

THIRTY-SEVENTH DAY.

(Monday, March 4, 1929.)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and the following members were present:

Mr. Speaker.	Keller.
Ackerman.	Kemble.
Adkins.	Kennedy.
Albritton.	Kincaid.
Anderson.	King.
Baker.	Kinnear.
Baldwin.	Land.
Barnett.	Lee.
Bateman.	Lemens.
Beck.	Long of Houston.
Bond.	Long of Wichita.
Bounds.	Loy.
Bradley.	Mankin.
Brice.	Martin.
Brooks.	Mauritz.
Carpenter.	Maynard.
Chastain.	McCombs.
Coltrin.	McDonald.
Conway.	McGill.
Cox of Navarro.	McKean.
Cox of Lamar.	Mehl.
Cox of Limestone.	Metcalfe.
Davis.	Minor.
DeWolfe.	Moore.
Dunlap.	Montgomery.
Duvall.	Mosely.
Enderby.	Mullally.
Ewing.	Murphy.
Eickenroht.	Negley.
Finlay.	Nicholson.
Forbes.	O'Neill.
Gates.	Palmer.
Gilbert.	Patterson.
Giles.	Pavlica.
Graves	Petsch.
of Williamson.	Poel.
Graves of Erath.	Pope of Jones.
Hardy.	Pope of Nueces.
Harding.	Prendergast.
Harman.	Purl.
Harper.	Quinn.
Harrison.	Ray.
Heaton.	Reader.
Hefley.	Reid.
Hines.	Renfro.
Holder.	Richardson.
Hopkins.	Rogers.
Hornaday.	Rountree.
Hubbard.	Sanders.
Jenkins.	Savage.
Johnson	Shaver.
of Dimmit.	Shelton.
Johnson of Smith.	Sherrill.
Johnson of Scurry.	Shipman.
Jones.	Simmons.
Justiss.	Sinks.
Keeton.	Smith.

Snelgrove.	Wallace.
Speck.	Walters.
Stephens.	Warwick.
Stevenson.	Webb.
Storey.	White.
Strong.	Wiggs.
Tarwater.	Williams
Thompson.	of Sabine.
Thurmond.	Williams
Tillotson.	of Travis.
Turner.	Woodall.
Van Zandt.	Woodruff.
Veacht.	Young.
Waddell.	

Absent.

Gerron. Kenyon.

Absent—Excused.

Acker.	Morse.
Avis.	Olsen.
Finn.	Westbrook.
Fuchs.	Williams
Hogg.	of Hardin.
Kayton.	

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Westbrook for today, on motion of Mr. Hopkins.

Mr. Olsen for today, on motion of Mr. Cox of Lamar.

Mr. Hogg for today, on motion of Mr. Thompson.

Mr. Finn for today, on motion of Mr. Woodruff.

The following members were granted leaves of absence on account of illness:

Mr. Morse for today, on motion of Mr. Hardy.

Mr. Fuchs for today, on motion of Mr. Shelton.

RELATING TO WORKMEN'S COMPENSATION LAW.

Mr. Bradley offered the following resolution:

H. C. R. No. 32, Relating to Workmen's Compensation Act.

Whereas, One of the most important developments in the jurisprudence in our State is embodied in the Workmen's Compensation Act, in its commendable purpose of protecting justice to employers and employes alike, and in this way meeting the purposes of the State in one of the most important fields of the law, for it affects the public almost universally; and

Whereas, Since the original enactment of the Workmen's Compensation Act of the State of Texas, there have developed certain practices which tend to defeat the purpose of said act; and

Whereas, Many States of the American Union have attempted to protect such legislation in its original purpose by amendments, many of which are meritorious and all of which deserve our careful consideration in attempting to improve our said act in Texas; and

Whereas, The work of bringing our Workmen's Compensation Act abreast of the times, and in line with the actual needs of this State requires careful research and study; now, therefore, be it

Resolved, That the House of Representatives, the Senate concurring, authorize three members of said House, to be appointed by the Speaker thereof, to serve with two members of the Senate, to be appointed by the President thereof, to prepare a report to be submitted to the Regular Session of the Forty-second Legislature, which report shall be based upon the research of said committee, for the purpose of proposing changes in the Workmen's Compensation Act of the State of Texas.

Signed—Bradley, McCombs, Prendergast, Kemble, Kennedy, Shelton, Olsen, Mehl, Morse, Thompson, Tillotson.

The resolution was read second time.

Mr. Purl moved that the resolution be referred to the Committee on Insurance.

Mr. Keller moved to table the motion to refer.

Yeas and nays were demanded and the motion to table was lost by the following vote.

Yeas—37.

Albritton.	Johnson
Bradley.	of Dimmit.
Brice.	Johnson of Smith.
Conway.	Keller.
Cox of Lamar.	Kemble.
Davis.	Kennedy.
DeWolfe.	Mankin.
Forbes.	Maynard.
Graves	McCombs.
of Williamson.	Mehl.
Graves of Erath.	Patterson.
Hardy.	Pavlica.
Harman.	Prendergast.
Hines.	Sherrill.
Holder.	Snelgrove.
Hopkins.	Stevenson.
Johnson of Scurry.	Storey.

Thompson.
Tillotson.
Warwick.

Williams
of Sabine.
Woodruff.

Nays—64.

Ackerman.
Baker.
Baldwin.
Barnett.
Bateman.
Bounds.
Carpenter.
Coltrin.
Cox of Navarro.
Dunlap.
Duvall.
Enderby.
Eickenroht.
Finlay.
Giles.
Harper.
Heaton.
Hubbard.
Jenkins.
Justiss.
Keeton.
Kincaid.
King.
Land.
Lee.
Lemens.
Long of Houston.
Long of Wichita.
Loy.
McDonald.
McGill.
McKean.

Metcalf.
Minor.
Montgomery.
Moore.
Mosely.
Murphy.
Negley.
Palmer.
Pool.
Pope of Nueces.
Purl.
Quinn.
Ray.
Reader.
Reid.
Richardson.
Sanders.
Savage.
Shaver.
Shelton.
Shipman.
Simmons.
Sinks.
Speck.
Stephens.
Strong.
Tarwater.
Van Zandt.
Veatch.
Walters.
Webb.
Wiggs.

Absent.

Adkins.
Anderson.
Beck.
Bond.
Brooks.
Chastain.
Cox of Limestone.
Ewing.
Gates.
Gerron.
Gilbert.
Harding.
Harrison.
Hefley.
Hornaday.
Jones.
Kenyon.
Kinnear.

Martin.
Mauritz.
Mullally.
Nicholson.
O'Neill.
Petsch.
Pope of Jones.
Renfro.
Rogers.
Rountree.
Smith.
Thurmond.
Turner.
Waddell.
White.
Williams of Travis.
Woodall.
Young.

Absent—Excused.

Acker.
Avis.
Finn.
Fuchs.
Hogg.
Kayton.

Morse.
Olsen.
Wallace.
Westbrook.
Williams of Hardin.

Mr. Keller moved to refer the resolution to the Committee on Labor.

Mr. Sinks moved to table the motion by Mr. Keller, and the motion to table was lost.

Question then recurring on the motion by Mr. Keller to refer the resolution to the Committee on Labor, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—81.

Ackerman.	Land.
Albritton.	Lemens.
Anderson.	Long of Houston.
Barnett.	Loy.
Bateman.	Maynard.
Bounds.	McCombs.
Bradley.	McGill.
Brice.	Mehl.
Carpenter.	Metcalfe.
Chastain.	Minor.
Coltrin.	Montgomery.
Conway.	Moore.
Cox of Navarro.	Mosely.
Cox of Lamar.	Murphy.
Davis.	O'Neill.
DeWolfe.	Palmer.
Dunlap.	Pavlica.
Duvall.	Prendergast.
Enderby.	Reader.
Eickenroht.	Renfro.
Forbes.	Richardson.
Gates.	Shaver.
Gilbert.	Sherrill.
Giles.	Shipman.
Graves	Simmons.
of Williamson.	Snelgrove.
Graves of Erath.	Stephens.
Harman.	Stevenson.
Harper.	Storey.
Hines.	Tarwater.
Hopkins.	Thompson.
Hubbard.	Van Zandt.
Johnson	Veatch.
of Dimmit.	Warwick.
Johnson of Smith.	Webb.
Johnson of Scurry.	White.
Jones.	Wiggs.
Justiss.	Williams
Keller.	of Sabine.
Kemble.	Williams
Kennedy.	of Travis.
Kincaid.	Woodruff.
King.	

Nays—21.

Cox of Limestone.	Long of Wichita.
Finlay.	Mankin.
Hardy.	McKean.
Heaton.	Pool.
Hefley.	Pope of Nueces.
Holder.	Purl.
Jenkins.	Ray.
Keeton.	Reid.

Sanders.
Sinks.
Speck.

Strong.
Walters.

Present—Not Voting.

Mauritz.

Absent.

Adkins.
Baker.
Baldwin.
Beck.
Brooks.
Ewing.
Gerron.
Harding.
Harrison.
Hornaday.
Kenyon.
Kinnear.
Lee.
Martin.
McDonald.
Mullally.

Negley.
Nicholson.
Patterson.
Pope of Jones.
Quinn.
Rogers.
Rountree.
Savage.
Shelton.
Smith.
Thurmond.
Tillotson.
Turner.
Waddell.
Woodall.
Young.

Absent—Excused.

Acker.
Avis.
Bond.
Finn.
Fuchs.
Hogg.
Kayton.

Morse.
Olsen.
Petsch.
Wallace.
Westbrook.
Williams
of Hardin.

HOUSE BILL NO. 465 ON FINAL PASSAGE.

The Speaker laid before the House, as unfinished business, on its final passage,

H. B. No. 465, A bill to be entitled "An Act to amend Title 11, Chapter 6-A (6a), Article 588½ qq of the Penal Code of the Revised Civil Statutes of the State of Texas, so as to provide adequate and proper punishment for the violation of said chapter, same being the state-wide intoxicating liquor prohibition."

The bill having heretofore been read third time.

Question recurring on the final passage of the bill, yeas and nays were demanded.

The roll of the House was called, and the result announced as follows: Yeas 53, nays 47.

Mr. Holder called for a verification of the vote.

The roll of the yeas and nays was then called, and the bill was passed by the following vote:

Yeas—54.

Ackerman.
Albritton.

Anderson.
Bounds.

Carpenter.	Murphy.
Chastain.	Negley.
Cox of Navarro.	O'Neill.
DeWolfe.	Palmer.
Duvall.	Pavlica.
Enderby.	Pool.
Eickenroht.	Pope of Nueces.
Finlay.	Quinn.
Harrison.	Reader.
Hefley.	Renfro.
Hines.	Richardson.
Hopkins.	Sanders.
Hubbard.	Savage.
Jenkins.	Sherrill.
Johnson of Smith.	Sinks.
Jones.	Snelgrove.
Justiss.	Storey.
Kennedy.	Strong.
Lee.	Thompson.
Mankin.	Tillotson.
Maynard.	Van Zandt.
McCombs.	Veatch.
McGill.	Walters.
McKean.	Webb.
Mehl.	Williams
Moore.	of Travis.

Nays—48.

Baldwin.	Long of Wichita.
Barnett.	Loy.
Bateman.	Mauritz.
Brooks.	McDonald.
Coltrin.	Metcalf.
Conway.	Minor.
Cox of Lamar.	Mosely.
Cox of Limestone.	Patterson.
Davis.	Purl.
Forbes.	Reid.
Gates.	Rogers.
Gilbert.	Shaver.
Giles.	Shelton.
Graves	Shipman.
of Williamson.	Simmons.
Graves of Erath.	Speck.
Hardy.	Tarwater.
Harper.	Warwick.
Heaton.	White.
Holder.	Wiggs.
Johnson of Scurry.	Williams
Keeton.	of Sabine.
Kemble.	Woodall.
Kincaid.	Woodruff.
Lemens.	

Absent.

Adkins.	Johnson
Baker.	of Dimmit.
Beck.	Keller.
Bradley.	Kenyon.
Brice.	King.
Dunlap.	Kinnear.
Ewing.	Land.
Gerron.	Long of Houston.
Harding.	Martin.
Harman.	Montgomery.

Mullally.	Smith.
Nicholson.	Stephens.
Pope of Jones.	Thurmond.
Prendergast.	Turner.
Ray.	Waddell.
Rountree.	Young.

Absent—Excused.

Acker.	Morse.
Avis.	Olsen.
Bond.	Petsch.
Finn.	Stevenson.
Fuchs.	Wallace.
Hogg.	Westbrook.
Hornaday.	Williams
Kayton.	of Hardin.

Reason for Vote.

I was out of the House on important business at the time this vote was taken on House bill No. 465, but would have voted "yea" if I had been here. The advocates of this measure do not represent the anti-prohibition forces of Texas, as has been suggested, but instead many strong prohibitionists were actively sponsoring it, and law enforcement organizations over the State have endorsed it. There are some sections of Texas in which the officials will not attempt to prosecute in State courts for violations of our prohibition laws, because juries in those sections refuse to call a man a felon and give him a term in the penitentiary because he violates those laws. Consequently in these sections there is no enforcement of prohibition. This bill is destined and calculated to give those people in these sections, who desire prohibition, an opportunity to get protection under a general law and a law which is not so severe that the people themselves will refuse to enforce. It is believed also, that under this law many more convictions can be had in all parts of the State.

ADKINS.

Mr. Albritton moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

Mr. Richardson moved to reconsider the vote by which the bill finally passed.

Question recurring on the motion to reconsider, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—49.

Adkins.	Coltrin.
Baker.	Conway.
Brice.	Cox of Lamar.
Brooks.	Cox of Limestone.

Davis.	Minor.
Dunlap.	Mosely.
Forbes.	Palmer.
Gates.	Patterson.
Graves	Prendergast.
of Williamson.	Purl.
Graves of Erath.	Reid.
Harman.	Richardson.
Harper.	Rogers.
Holder.	Shelton.
Johnson	Shipman.
of Dimmit.	Simmons.
Johnson of Scurry.	Speck.
Keeton.	Stephens.
Kemble.	Van Zandt.
Kincaid.	Waddell.
King.	Wallace.
Lemens.	Warwick.
Long of Houston.	Wiggs.
Long of Wichita.	Woodruff.
Loy.	Young.
Metcalfe.	

Nays—57.

Ackerman.	McGill.
Albritton.	McKean.
Anderson.	Mehl.
Baldwin.	Moore.
Bounds.	Negley.
Carpenter.	Nicholson.
Chastain.	O'Neill.
DeWolfe.	Pavlica.
Duvall.	Petsch.
Enderby.	Pool.
Eickenroht.	Pope of Jones.
Finlay.	Pope of Nueces.
Hardy.	Rountree.
Harding.	Sanders.
Harrison.	Savage.
Heaton.	Sherrill.
Hefley.	Sinks.
Hines.	Snelgrove.
Hopkins.	Storey.
Hubbard.	Strong.
Johnson of Smith.	Thompson.
Jones.	Tillotson.
Justiss.	Veatch.
Keller.	Walters.
Kennedy.	Webb.
Lee.	White.
Mankin.	Williams
McCombs.	of Travis.
McDonald.	Woodall.

Absent.

Barnett.	Land.
Bateman.	Martin.
Beck.	Mauritz.
Bradley.	Maynard.
Cox of Navarro.	Montgomery.
Ewing.	Mullally.
Gilbert.	Murphy.
Giles.	Quinn.
Jenkins.	Ray.
Kenyon.	Reader.
Kinnear.	Renfro.

Shaver.	Thurmond.
Smith.	Turner.
Stevenson.	Williams
Tarwater.	of Sabine.

Absent—Excused.

Acker.	Hogg.
Avis.	Kayton.
Bond.	Morse.
Finn.	Olsen.
Fuchs.	Westbrook.
Gerron.	Williams
Hornaday.	of Hardin.

Question then recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—64.

Ackerman.	McKean.
Adkins.	Mehl.
Albritton.	Murphy.
Anderson.	Nicholson.
Beck.	O'Neill.
Bond.	Pavlica.
Bounds.	Petsch.
Bradley.	Pool.
Carpenter.	Pope of Jones.
Chastain.	Pope of Nueces.
DeWolfe.	Prendergast.
Duvall.	Quinn.
Enderby.	Reader.
Eickenroht.	Renfro.
Finlay.	Sanders.
Giles.	Savage.
Harding.	Sherrill.
Harrison.	Shipman.
Heaton.	Sinks.
Hefley.	Snelgrove.
Hines.	Stevenson.
Hopkins.	Storey.
Hubbard.	Strong.
Jenkins.	Thompson.
Johnson of Smith.	Tillotson.
Jones.	Turner.
Justiss.	Van Zandt.
Keller.	Veatch.
Kennedy.	Walters.
Lee.	Webb.
Mankin.	Williams
McCombs.	of Travis.
McDonald.	Woodruff.
McGill.	

Nays—50.

Baker.	Dunlap.
Baldwin.	Forbes.
Barnett.	Gates.
Brice.	Gilbert.
Coltrin.	Graves
Conway.	of Williamson.
Cox of Lamar.	Graves of Erath.
Cox of Limestone.	Hardy.
Davis.	Harman.

Harper.	Patterson.
Holder.	Purl.
Johnson	Reid.
of Dimmit.	Richardson.
Johnson of Scurry.	Rogers.
Keeton.	Shelton.
Kemble.	Simmons.
Kincaid.	Speck.
King.	Stephens.
Lemens.	Waddell.
Long of Houston.	Wallace.
Long of Wichita.	White.
Loy.	Wiggs.
Mauritz.	Williams
Minor.	of Sabine.
Mosely.	Woodall.
Palmer.	Young.

Absent.

Bateman.	Montgomery.
Brooks.	Moore.
Cox of Navarro.	Mullally.
Ewing.	Negley.
Gerron.	Ray.
Hornaday.	Rountree.
Kenyon.	Shaver.
Kinnear.	Smith.
Land.	Tarwater.
Martin.	Thurmond.
Maynard.	Warwick.
Metcalfe.	

Absent—Excused.

Acker.	Morse.
Avis.	Olsen.
Finn.	Westbrook.
Fuchs.	Williams
Hogg.	of Hardin.
Kayton.	

Reasons for Vote.

On House bill No. 465 the record shows me as "absent," but, in fact, I was at my desk and voted "yea," but a defect in my voting machine caused me to show "absent."

I think this bill is an honest effort toward enforcing the Dean Law, as the Attorney General's record shows only 28 per cent of convictions under the Dean Law, while the Federal department shows that 84 per cent are convicted under the Volstead Act.

KELLER.

Reasons for Not Voting.

At the time of voting on House bill No. 465, I was temporarily out, being in the Attorney General's office on important business. I asked unanimous consent that I be recorded as voting "nay," but objections were raised. I was against this bill and would have voted "nay."

WALLACE.

CONFERENCE COMMITTEE AP- POINTED ON SENATE BILL NO. 82.

The Speaker announced the following free conference committee on Senate bill No. 82:

Messrs. Kemble, Hogg, Storey, Stevenson and Metcalfe.

BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolutions:

H. C. R. No. 30, Recalling House bill No. 699 from the Governor.

H. C. R. No. 31, In memory of Hon. W. S. Simkins.

S. B. No. 434, "An Act to create Santa Maria Water Control and Improvement District Cameron County Number Four in Cameron county, Texas; validating and approving all orders made by the commissioners court of said county in respect to the original organization of said district as a water improvement district under Article 3, Section 52, of the Constitution; validating and approving all orders made by the board of directors of said district converting said district to a conservation and reclamation district under Section 59, of Article 16, of the Constitution of the State of Texas; validating all assessments of taxes, the authorization, issuance and sale of bonds thereof, and providing for their payment, and the issuance and sale of the bonds of said district and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said district; approving and validating all orders of the commissioners court of said county and of the board of directors of said district, bonds and taxes or certified copies thereof, and constituting all such orders and their record legal evidence; providing that proof of publication of the constitutional notice required in the enactment of this act has been duly made; enacting provisions incident and necessary to the subject and purpose of this act, and declaring an emergency."

S. B. No. 252, "An Act creating an advisory judicial council for the continuous study, investigation and report upon the civil judicial system of the State, its administration, procedure and functioning; gathering of civil judicial

districts; devising of methods for the improvement of civil judicial administration and procedure; prescribing the personnel of such council; prescribing its powers and duties; providing for the payment of the actual expenses of the council and its members, including clerical assistance."

S. B. No. 404, "An Act to amend Chapter 402, Special Laws enacted by the Thirty-ninth Legislature at its First Called Session in 1926, same being a special road law for Limestone county, Texas, by adding thereto Section 4a, authorizing the commissioners court of Limestone county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, and declaring an emergency."

S. B. No. 230, "An Act to amend Chapter 69 of the Local and Special Laws enacted by the Thirty-sixth Legislature at its Second Called Session in 1919, same being a special road law for Burnet county, by adding thereto Section 2a, authorizing the commissioners court of Burnet county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioners court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid, and declaring an emergency."

S. B. No. 370, "An Act fixing the salary of the county commissioners of certain counties by providing for a salary of \$3600 to be paid the county commissioners of counties having an assessed valuation of \$44,502,489 according to the last approved roll filed in the office of the State Comptroller, repealing laws in conflict therewith, and declaring an emergency."

S. B. No. 446, "An Act extending oil and gas permits and combinations thereof issued on University lands that are valid and in good standing on the day this act takes effect, and the terms of which will expire on or before December 31, 1929, etc., and declaring an emergency."

S. B. No. 524, "An Act providing for neighborhood roads in Brewster county, Texas, under certain conditions and cir-

cumstances, and declaring an emergency."

S. B. No. 87, "An Act amending Article 1177, Chapter 7, Title 15, of the Penal Code of the State of Texas, Revision of 1925, and declaring an emergency."

S. B. No. 169, "An Act to provide for the taking of testimony of a witness or witnesses in this State, either written interrogatories or oral deposition, on any mandate, writ or commission issued out of any court of record in any other State, Territory, district or foreign jurisdiction, and declaring an emergency."

H. B. No. 478, "An Act to amend Article 5160 of the Revised Statutes of 1925, as amended by the Act of 1927, First Called Session, page 114, Chapter 39, Section 1, and to provide that any person or persons or corporation entering into a formal contract with the State, or its counties, or school district, or other subdivisions thereof, or any municipality therein, for the construction of a public building or the prosecution and completion of any public work, shall be required, before commencing such work, to execute the usual penal bond, with the additional obligation that such contractor shall promptly make payment to all persons supplying him or them with labor and material in the prosecution of the work provided for in such contract."

S. B. No. 99, "An Act relating to courses of instruction in the Constitution of the United States in schools, colleges, universities and other educational institutions of the State of Texas."

S. B. No. 108, "An Act to amend Article 1894 of Chapter 2, Title 40, of the Revised Civil Statutes of 1925, and declaring an emergency."

S. B. No. 107, "An Act to amend Article 1935 of Chapter 2, Title 41, of the Revised Civil Statutes of 1925, and declaring an emergency."

S. B. No. 125, "An Act to grant power to either member of the Railroad Commission or any employe designated by the Railroad Commission of whatever nature to hold hearings and investigations and make a record therefor for the use and benefit of the Railroad Commission, the same as if the entire Commission were present, and granting to such Commissioner or designated employe power to administer oaths, certify to official acts, compel the attendance of witnesses and the production of papers, waybills, books, accounts,

and punish for contempt, providing for the introduction and consideration of said testimony by the commission, and declaring an emergency."

S. B. No. 477, "An Act defining aircraft, public and civil airman, and providing that in the interest of public safety and desirability of uniform regulation and in the interest of aeronautical progress that aircraft operating within the State should conform with respect to design, construction and airworthiness to the standards prescribed by the United States government, and making it unlawful for the navigation of aircraft within this State, whether for commercial, pleasure or non-commercial purposes, unless it is licensed and registered by the Department of Commerce of the United States in the manner prescribed by the lawful rules and regulations of the United States government then in force, etc.; and declaring an emergency."

S. B. No. 569, "An Act to increase the civil jurisdiction of the county court of Washington county; and declaring an emergency."

S. B. No. 154, "An Act amending Article 1831, Title 39, Revised Statutes of the State, prescribing certain duties of clerks of the Courts of Civil Appeals with reference to the filing, recording and preservation of the records and proceedings of said court."

S. B. No. 179, "An Act to amend Article 4632, of Revised Civil Statutes of 1925, so as to better regulate the making of returns and canvassing the result in primary elections; and declaring an emergency."

S. B. No. 359, "An Act amending Article 7005, Title 121, of the Revised Civil Statutes of 1925, so as to exempt Matagorda county from the provisions of Chapter 7 of Title 121 of the Revised Civil Statutes of 1925, and from all laws regulating the inspection of hides and animals, and declaring an emergency."

S. B. No. 182, "An Act repealing Article 6815, Revised Civil Statutes of 1925, and declaring an emergency."

H. B. No. 552, "An Act validating the appointment of guardians when citation was published, as provided in Chapter 179, Acts Regular Session 1917, being now Article 28 of the Revised Civil Statutes of Texas, 1925, and where such citation was not published as provided in Article 4115 of the Revised Civil Statutes of Texas, 1925."

H. B. No. 17, "An Act to amend Article 2094, Article 2095, and Article 2096 of the Revised Civil Statutes of

1925, relating to the selection of jurors; amending Article 2094 of the Revised Civil Statutes, 1925, providing for the appointment of jury commissioners to select jurors in certain counties."

H. B. No. 346, "An Act to amend Article 5453 of the Revised Civil Statutes of Texas, 1925, relating to liens of mechanics, contractors, material men and laborers, and declaring an emergency."

H. B. No. 456, "An Act to amend Article 5734 of the Revised Civil Statutes of Texas of 1925, so as to include a standard weight for green corn (roasting ears) per bushel, and declaring an emergency."

H. B. No. 461, "An Act to prohibit the building, construction, extension, operation or maintenance of any pipe line leading into the waters of the Gulf of Mexico, which pipe line is used or designed to be used for transporting, handling, loading, unloading or discharging oil, gas, or any other derivative of oil or gas, or any other product or commodity susceptible to being transported into tanks, ships, vessels, barges or any water craft or any agency for loading water craft, and providing a penalty and imposing upon the Attorney General of Texas the duty of bringing timely suit to prevent and restrain the violation of this law, and fixing the jurisdiction and venue of such actions, and declaring an emergency."

H. B. No. 646, "An Act to amend Section 23 of Article 2092 of the Revised Civil Statutes of Texas, 1925, relating to the absence, sickness or disqualifications of any district judge in any court controlled by said article, and providing for the election of a special judge in said court, and providing the manner of such election."

H. B. No. 58, "An Act to amend Chapter Three of Title 67 of the 1925 Revised Civil Statutes of the State of Texas, by adding thereto Article 4054a, to provide that sand and other deposits taken for the raising of the grade of the salt flats in the northern part of Corpus Christi and the lowlands lying north of the northern boundary line in the city of Corpus Christi, in Nueces county, Texas, and south of the boundary line of the town of Portland, in San Patricio county, Texas, shall be exempt from the provisions of said Title 67, and declaring an emergency."

H. B. No. 262, "An Act to amend Article 1302, Chapter 1, Title 32, of the Revised Statutes of 1925, by add-

ing thereto Section 91, so as to provide for the creation of private corporations for the purpose of owning lands in the water control and improvement districts, water improvement districts, levee improvement districts, drainage districts and all lands susceptible of reclamation by levees, drainage or irrigation, in aid of the development of lands reclaimed, or to be reclaimed, within said districts, so that such lands may be readily improved, subdivided, sold or utilized, and declaring an emergency."

H. B. No. 474, "An Act requiring every person, association or corporation, whether operating for charity or revenue, who shall own, conduct or manage a day nursery, children's boarding home or child-placing agency or other place for the care or custody of children under fifteen years of age, or who shall solicit funds in this State for such place or institution, to obtain an annual license from the State Board of Health, which license shall be issued without fee and under such rules and regulations as said board shall prescribe, requiring every such place or institution who shall place out or give to any person the care or custody of any such child, to keep and preserve a record of the full name, the actual or apparent age, and names and residences of the parents of such child so far as known, and the name and residence of the person with whom such child is placed."

H. B. No. 637, "An Act to validate the authorization, issuance and sale of certain school bonds issued by the Phenix independent school district of Kaufman county, Texas, and providing for their payment by the annual levy assessment and collection of general ad valorem taxes on all property in said district, approving and validating all orders of the board of trustees of said district, bonds and taxes; and changing the name of said district to the 'Stubbs independent school district of Kaufman county, Texas'; and declaring an emergency."

H. B. No. 208, "An Act to amend Section 9, Chapter 156, of the Acts of the Regular Session of the Fortieth Legislature, relating to the salaries, compensation, expenses and expenditures of administrative judicial districts, so as to have same hereafter paid by the respective counties of such districts in proportion to the number of weeks provided by law for holding district court in said respective counties, and declaring an emergency."

HOUSE BILL NO. 628 ON SECOND READING.

On motion of Mr. Sherrill, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment.

H. B. No. 628, A bill to be entitled "An Act to assist in the prevention of the theft of motor vehicles in Texas; requiring the owner of every motor vehicle to acquire certificate of title from county tax collector, and requiring each such owner to acquire from county tax collector an affix on vehicle, registration card, container and seal."

The Speaker laid the bill before the House and it was read second time and was passed to engrossment.

HOUSE BILL NO. 469 ON SECOND READING.

On motion of Mr. Enderby, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment.

H. B. No. 469, A bill to be entitled "An Act to further regulate the issuance of securities by counties, incorporated cities or towns, by amending Article 701 of the Revised Civil Statutes of 1925."

The Speaker laid the bill before the House and it was read second time.

Mr. Kemble offered the following amendment to the bill:

Amend House bill No. 469 by striking out figure "5" and insert "10."

Mr. Enderby moved to table the amendment.

Yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—55.

Albritton.	Heaton.
Baker.	Hefley.
Barnett.	Jenkins.
Bateman.	Johnson of Smith.
Bounds.	Johnson of Scurry.
Brice.	Jones.
Carpenter.	Justiss.
Coltrin.	Keller.
Conway.	King.
Cox of Lamar.	Lee.
DeWolfe.	Lemens.
Enderby.	Long of Wichita.
Finlay.	Loy.
Gilbert.	Mauritz.
Giles.	McKean.
Graves of Erath.	Nicholson.
Harper.	Pavlica.
Harrison.	Prendergast.

Purl.
Reader.
Renfro.
Rogers.
Savage.
Sherrill.
Shipman.
Simmons.
Snelgrove.
Stephens.

Storey.
Tillotson.
Van Zandt.
Veatch.
Wallace.
Wiggs.
Williams
of Sabine.
Woodall.
Woodruff.

Nays—52.

Adkins.	Moore.
Brooks.	Mosely.
Chastain.	Mullally.
Cox of Limestone.	Murphy.
Dunlap.	O'Neill.
Forbes.	Palmer.
Graves.	Petsch.
of Williamson.	Pool.
Hardy.	Pope of Jones.
Harding.	Ray.
Holder.	Reid.
Hornaday.	Richardson.
Hubbard.	Rountree.
Johnson	Sanders.
of Dimmit.	Shaver.
Kemble.	Shelton.
Kennedy.	Sinks.
Kincaid.	Speck.
Kinnear.	Tarwater.
Land.	Thompson.
Long of Houston.	Thurmond.
Maynard.	Turner.
McCombs.	Waddell.
McDonald.	Walters.
McGill.	Williams
Mehl.	of Travis.
Metcalf.	Young.
Montgomery.	

Present—Not Voting.

Harman.

Absent.

Ackerman.	Keeton.
Anderson.	Kenyon.
Baldwin.	Mankin.
Beck.	Martin.
Bond.	Minor.
Bradley.	Negley.
Cox of Navarro.	Patterson.
Davis.	Pope of Nueces.
Duval.	Quinn.
Ewing.	Smith.
Eickenroht.	Stevenson.
Gates.	Strong.
Gerron.	Warwick.
Hines.	Webb.
Hopkins.	White.

Absent—Excused.

Acker.	Fuchs.
Avis.	Hogg.
Finn.	Kayton.

Morse.
Olsen.
Westbrook.

Williams
of Hardin.

Mr. Hardy offered the following amendment to the bill:

Amend House bill No. 469 by striking out the words "or incorporated city or town" wherever it appears.

On motion of Mr. Van Zandt, the amendment was tabled.

Mr. McCombs offered the following amendment to the bill:

Amend House bill No. 469 at end of first section by adding:

"Providing the limitations as to incurring indebtedness herein expressed shall not apply to counties having a population in excess of one hundred thousand (100,000) as determined by the 1920 United States census."

Signed—Pool, Kemble, McCombs, Keller.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—33.

Beck.	McCombs.
Bradley.	McDonald.
Chastain.	Mehl.
Cox of Limestone.	Mullally.
Duval.	Patterson.
Forbes.	Pope of Nueces.
Graves of Erath.	Purl.
Harman.	Reader.
Harrison.	Sinks.
Hefley.	Snelgrove.
Holder.	Speck.
Johnson	Storey.
of Dimmit.	Thompson.
Johnson of Smith.	Thurmond.
Keller.	Warwick.
Kemble.	Williams
Kinnear.	of Travis.
Lemens.	

Nays—69.

Ackerman.	Graves
Adkins.	of Williamson.
Albritton.	Harper.
Barnett.	Heaton.
Bounds.	Hines.
Brice.	Hornaday.
Brooks.	Jenkins.
Carpenter.	Johnson of Scurry.
Coltrin.	Jones.
Cox of Lamar.	Justiss.
DeWolfe.	Kennedy.
Enderby.	Kincaid.
Eickenroht.	King.
Finlay.	Land.
Gilbert.	Lee.
Giles.	Long of Houston.

Loy.	Rogers.
Mankin.	Sanders.
McGill.	Savage.
McKean.	Shaver.
Minor.	Shelton.
Moore.	Sherrill.
Mosely.	Shipman.
Murphy.	Simmons.
O'Neill.	Stephens.
Palmer.	Tarwater.
Pavlica.	Van Zandt.
Pool.	Veatch.
Pope of Jones.	Waddell.
Prendergast.	Wallace.
Quinn.	Walters.
Ray.	Webb.
Reid.	Wiggs.
Renfro.	Woodall.
Richardson.	Woodruff.

Present—Not Voting.

Baldwin.	Maynard.
Keeton.	Nicholson.
Martin.	

Absent.

Anderson.	Long of Wichita.
Baker.	Mauritz.
Bateman.	Metcalfe.
Conway.	Montgomery.
Cox of Navarro.	Negley.
Davis.	Rountree.
Dunlap.	Smith.
Ewing.	Strong.
Gates.	Tillotson.
Hardy.	Turner.
Harding.	White.
Hopkins.	Williams
Hubbard.	of Sabine.
Kenyon.	Young.

Absent—Excused.

Acker.	Morse.
Avis.	Olsen.
Bond.	Petsch.
Finn.	Stevenson.
Fuchs.	Westbrook.
Gerron.	Williams
Hogg.	of Hardin.
Kayton.	

House bill No. 469 was then passed to engrossment by the following vote:

Yeas—79.

Ackerman.	Carpenter.
Adkins.	Coltrin.
Albritton.	Cox of Navarro.
Baker.	DeWolfe.
Baldwin.	Dunlap.
Barnett.	Enderby.
Bateman.	Finlay.
Bounds.	Gilbert.
Brice.	Giles.
Brooks.	Graves of Erath.

Graves	Pope of Nueces.
of Williamson.	Prendergast.
Harman.	Quinn.
Harper.	Ray.
Harrison.	Renfro.
Heaton.	Richardson.
Hines.	Rogers.
Hornaday.	Sanders.
Jenkins.	Savage.
Johnson of Smith.	Shaver.
Johnson of Scurry.	Shelton.
Jones.	Sherrill.
Justiss.	Shipman.
Kennedy.	Simmons.
King.	Sinks.
Land.	Snelgrove.
Lee.	Stephens.
Lemens.	Storey.
Loy.	Strong.
Mankin.	Tarwater.
Martin.	Thurmond.
McGill.	Turner.
McKean.	Van Zandt.
Mosely.	Veatch.
Mullally.	Wallace.
Murphy.	Walters.
Negley.	White.
O'Neill.	Wiggs.
Palmer.	Woodall.
Pavlica.	Woodruff.

Nays—27.

Chastain.	Mehl.
Cox of Lamar.	Patterson.
Cox of Limestone.	Pool.
Duvall.	Pope of Jones.
Forbes.	Purl.
Hardy.	Reader.
Hefley.	Reid.
Holder.	Speck.
Johnson	Thompson.
of Dimmit.	Waddell.
Kemble.	Warwick.
Kincaid.	Williams
Kinnear.	of Travis.
Long of Houston.	Young.
McCombs.	

Present—Not Voting.

Maynard.

Absent.

Anderson.	Kenyon.
Beck.	Long of Wichita.
Bradley.	Mauritz.
Conway.	McDonald.
Davis.	Metcalfe.
Ewing.	Montgomery.
Eickenroht.	Moore.
Gates.	Nicholson.
Harding.	Rountree.
Hopkins.	Smith.
Hubbard.	Tillotson.
Keeton.	Webb.
Keller.	Williams of Sabine

Absent—Excused.

Acker.	Minor.
Avis.	Morse.
Bond.	Olsen.
Finn.	Petsch.
Fuchs.	Stevenson.
Gerron.	Westbrook.
Hogg.	Williams
Kayton.	of Hardin.

MOTION TO TAKE UP HOUSE BILL
NO. 469.

Mr. Enderby moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 469 be placed on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by the following vote:

Yeas—84.

Ackerman.	Martin.
Adkins.	Mauritz.
Albritton.	McDonald.
Baker.	McGill.
Baldwin.	McKean.
Barnett.	Minor.
Bateman.	Moore.
Bounds.	Mosely.
Brooks.	Murphy.
Carpenter.	Negley.
Coltrin.	O'Neill.
Conway.	Palmer.
Cox of Navarro.	Pavlica.
Cox of Lamar.	Pope of Jones.
DeWolfe.	Pope of Nueces.
Dunlap.	Prendergast.
Enderby.	Ray.
Finlay.	Renfro.
Gilbert.	Richardson.
Giles.	Rogers.
Graves	Sanders.
of Williamson.	Savage.
Graves of Erath.	Shelton.
Harding.	Sherrill.
Harper.	Shipman.
Harrison.	Simmons.
Heaton.	Snelgrove.
Hefley.	Speck.
Hines.	Stephens.
Hornaday.	Storey.
Jenkins.	Strong.
Johnson of Smith.	Tarwater.
Johnson of Scurry.	Thurmond.
Jones.	Turner.
Justiss.	Van Zandt.
Keeton.	Veatch.
Kennedy.	Wallace.
King.	Walters.
Lee.	White.
Lemens.	Wiggs.
Long of Houston.	Woodall.
Loy.	Woodruff.
Mankin.	

Nays—23.

Bradley.	Kincaid.
Brice.	Kinnear.
Chastain.	McCombs.
Cox of Limestone.	Mehl.
Eickenroht.	Mullally.
Forbes.	Patterson.
Hardy.	Pool.
Holder.	Purl.
Johnson	Reader.
of Dimmit.	Reid.
Keller.	Waddell.
Kemble.	Warwick.

Present—Not Voting.

Maynard.

Absent.

Anderson.	Nicholson.
Beck.	Quinn.
Davis.	Rountree.
Duvall.	Shaver.
Ewing.	Sinks.
Gates.	Smith.
Harman.	Thompson.
Hopkins.	Tillotson.
Hubbard.	Webb.
Kenyon.	Williams
Land.	of Sabine.
Long of Wichita.	Williams
Metcalfe.	of Travis.
Montgomery.	Young.

Absent—Excused.

Acker.	Morse.
Avis.	Olsen.
Bond.	Petsch.
Finn.	Stevenson.
Fuchs.	Westbrook.
Gerron.	Williams
Hogg.	of Hardin.
Kayton.	

HOUSE BILL NO. 273 ON SECOND
READING.

On motion of Mr. Bounds, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 273, A bill to be entitled "An Act making it a misdemeanor to use a telephone in the office, place of business or home of another person, firm or corporation for long-distance conversation and have the charges, fees and tolls therefor charged to the person, firm or corporation in whose name the telephone so used is registered, without the consent of the person, firm or corporation in whose name such telephone is registered, and prescribing a penalty therefor."

The Speaker laid the bill before the House and it was read second time.

Mr. Bounds offered the following amendment to the bill:

Amend House bill No. 273 by striking out the period at the end of Section 1, substituting therefor a comma, and adding at the end of said section the following: "without the written express authorization or consent of said person, firm or corporation to be left with owner of telephone."

The amendment was adopted.

Mr. Kennedy offered the following amendment to the bill:

Strike out "ten dollars" wherever it occurs in the bill and insert in lieu thereof the words "one dollar."

The amendment was adopted.

Mr. Pope of Nueces offered the following amendment to the bill:

Amend House bill No. 273 by striking out the words "one hundred," in line 27, page 1, and insert in lieu thereof the word "ten."

The amendment was adopted.

Mr. McCombs offered the following amendment to the bill:

Amend House bill No. 273 by adding at end of Section 2, "provided, that anyone guilty of a third conversation shall be guilty of a felony and confined in the penitentiary from one to five years."

The amendment was lost.

Mr. Duvall moved the previous question on the passage of the bill to engrossment.

Mr. Purl by unanimous consent offered the following amendment to the bill:

Amend House bill No. 273 by adding a new section to read as follows:

"Section 3. The terms of this act shall also apply to telegraphic communications originating by telephone."

And renumber the sections accordingly and amend the caption to conform with changes in the bill.

The amendment was adopted.

House bill No. 273 was then passed to engrossment.

MOTION TO TAKE UP HOUSE BILL NO. 273.

Mr. Bounds moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 273 be placed on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by the following vote:

Yeas—80.

Ackerman.

Albritton.

Baker.	McDonald.
Barnett.	Mehl.
Bounds.	Metcalfe.
Brice.	Montgomery.
Carpenter.	Mosely.
Chastain.	Murphy.
Coltrin.	Palmer.
Cox of Lamar.	Patterson.
Cox of Limestone.	Pavlica.
Davis.	Pope of Nueces.
DeWolfe.	Prendergast.
Dunlap.	Quinn.
Duvall.	Ray.
Enderby.	Reader.
Ewing.	Richardson.
Finlay.	Rogers.
Forbes.	Savage.
Gilbert.	Shaver.
Giles.	Shelton.
Graves of Erath.	Sherrill.
Harman.	Shipman.
Harper.	Sinks.
Harrison.	Speck.
Heaton.	Stephens.
Hines.	Stevenson.
Holder.	Thurmond.
Hornaday.	Tillotson.
Jenkins.	Turner.
Johnson	Van Zandt.
of Dimmit.	Veatch.
Johnson of Smith.	Waddell.
Keller.	Walters.
Kennedy.	Warwick.
Kincaid.	Williams
King.	of Sabine.
Kinnear.	Williams
Lee.	of Travis.
Lemens.	Woodall.
Long of Houston.	Woodruff.
Mankin.	Young.
Mauritz.	

Nays—27.

Anderson.	Minor.
Brooks.	Moore.
Eickenroht.	Mullally.
Graves	Nicholson.
of Williamson.	O'Neill.
Hardy.	Pool.
Hefley.	Pope of Jones.
Hopkins.	Reid.
Johnson of Scurry.	Renfro.
Kemble.	Sanders.
Maynard.	Storey.
McCombs.	Strong.
McGill.	Tarwater.
McKean.	Wallace.

Present—Not Voting.

Jones.

Absent.

Adkins.
Baldwin.
Bateman.
Beck.

Bradley.
Conway.
Cox of Navarro.
Gates.

Harding.	Purl.
Hubbard.	Rountree.
Justiss.	Simmons.
Keeton.	Smith.
Kenyon.	Snelgrove.
Land.	Thompson.
Long of Wichita.	Webb.
Loy.	White.
Martin.	Wiggs.
Negley.	

Absent—Excused.

Acker.	Kayton.
Avis.	Morse.
Bond.	Olsen.
Finn.	Petsch.
Fuchs.	Westbrook.
Gerron.	Williams
Hogg.	of Hardin.

SENATE BILL NO. 520 ON SECOND READING.

On motion of Mr. Johnson of Smith, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading,

S. B. No. 520, A bill to be entitled "An Act regulating commercial colleges, requiring commercial colleges that may hereafter be organized in Texas to comply with their contracts with the students who matriculate with them for the purpose of taking commercial courses in accounting, stenography, telegraphy, typing, and other branches generally included in the curriculum of such colleges, etc., and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to third reading.

SENATE BILL NO. 520 ON THIRD READING.

Mr. Johnson of Smith moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 520 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—110.

Adkins.	Carpenter.
Albritton.	Chastain.
Baker.	Coltrin.
Barnett.	Conway.
Beck.	Cox of Lamar.
Bond.	Cox of Limestone.
Bradley.	Davis.
Brice.	DeWolfe.
Brooks.	Duvall.

Enderby.	Negley.
Ewing.	Nicholson.
Finlay.	O'Neill.
Forbes.	Palmer.
Gilbert.	Patterson.
Giles.	Pavlica.
Graves	Pool.
of Williamson.	Pope of Jones.
Graves of Erath.	Pope of Nueces.
Hardy.	Prendergast.
Harding.	Purl.
Harman.	Quinn.
Harper.	Ray.
Harrison.	Reader.
Heaton.	Reid.
Hefley.	Renfro.
Hines.	Richardson.
Holder.	Rogers.
Hopkins.	Sanders.
Hornaday.	Savage.
Johnson	Shaver.
of Dimmit.	Shelton.
Johnson of Smith.	Sherrill.
Johnson of Scurry.	Shipman.
Keeton.	Simmons.
Kemble.	Sinks.
Kennedy.	Speck.
Kincaid.	Stephens.
King.	Storey.
Kinnear.	Strong.
Land.	Tarwater.
Lee.	Thompson.
Lemens.	Thurmond.
Long of Houston.	Tillotson.
Mankin.	Turner.
Martin.	Van Zandt.
Mauritz.	Veatch.
Maynard.	Wallace.
McDonald.	Walters.
McGill.	Warwick.
McKean.	White.
Mehl.	Williams
Metcalf.	of Sabine.
Minor.	Williams
Moore.	of Travis.
Mosely.	Woodall.
Mullally.	Woodruff.
Murphy.	Young.

Nays—4.

Baldwin.	Eickenroht.
Bounds.	Jenkins.

Absent.

Ackerman.	Kenyon.
Anderson.	Long of Wichita.
Bateman.	Loy.
Cox of Navarro.	McCombs.
Dunlap.	Montgomery.
Gates.	Rountree.
Gerron.	Smith.
Hubbard.	Snelgrove.
Jones.	Waddell.
Justiss.	Webb.
Keller.	Wiggs.

Absent—Excused.

Acker.	Olsen.
Avis.	Petsch.
Finn.	Stevenson.
Fuchs.	Westbrook.
Hogg.	Williams
Kayton.	of Hardin.
Morse.	

The Speaker then laid Senate bill No. 520 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—109.

Adkins.	Lee.
Albritton.	Lemens.
Barnett.	Long of Houston.
Beck.	Mankin.
Bond.	Martin.
Bradley.	Mauritz.
Brice.	Maynard.
Carpenter.	McDonald.
Chastain.	McGill.
Coltrin.	McKean.
Conway.	Mehl.
Cox of Lamar.	Metcalfe.
Cox of Limestone.	Minor.
Davis.	Moore.
DeWolfe.	Mosely.
Duvall.	Mullally.
Enderby.	Murphy.
Ewing.	Negley.
Eickenroht.	O'Neill.
Finlay.	Palmer.
Forbes.	Patterson.
Gilbert.	Pavlica.
Giles.	Pool.
Graves	Pope of Jones.
of Williamson.	Pope of Nueces.
Graves of Erath.	Prendergast.
Hardy.	Purl.
Harding.	Quinn.
Harman.	Ray.
Harper.	Reader.
Harrison.	Reid.
Heaton.	Renfro.
Hefley.	Richardson.
Hines.	Rogers.
Holder.	Sanders.
Hopkins.	Savage.
Hornaday.	Shaver.
Hubbard.	Shelton.
Johnson	Sherrill.
of Dimmit.	Shipman.
Johnson of Smith.	Simmons.
Johnson of Scurry.	Sinks.
Keeton.	Speck.
Keller.	Stephens.
Kemble.	Storey.
Kennedy.	Strong.
Kincaid.	Tarwater.
King.	Thompson.
Kinnear.	Thurmond.
Land.	Tillotson.

Turner.
Van Zandt.
Veatch.
Wallace.
Walters.
Warwick.

Webb.
White.
Williams
of Sabine.
Woodall.
Woodruff.

Nays—4.

Baldwin.
Bounds.

Jenkins.
Nicholson.

Absent.

Ackerman.
Anderson.
Baker.
Bateman.
Brooks.
Cox of Navarro.
Dunlap.
Gates.
Gerron.
Jones.
Justiss.
Kenyon.
Long of Wichita.

Loy.
McCombs.
Montgomery.
Petsch.
Rountree.
Smith.
Snelgrove.
Stevenson.
Waddell.
Wiggs.
Williams
of Travis.
Young.

Absent—Excused.

Acker.
Avis.
Finn.
Fuchs.
Hogg.
Kayton.

Morse.
Olsen.
Westbrook.
Williams
of Hardin.

HOUSE BILL NO. 20 ON SECOND READING.

On motion of Mr. DeWolfe, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 20, A bill to be entitled "An Act relating to delinquent taxes by amending Article 7321, Revised Civil Statutes for 1925, repealing Article 7322 of the Revised Civil Statutes for 1925, adding a new article, 7322a, amending Articles 7324, 7325, 7326, 7327, 7331, 7332, 7334, 7335, 7342, 7344 and 7345, and adding a new article, 7345a, amending Article 7321, so as to apportion delinquent taxes where there are several items of taxes, and providing that the delinquent tax record shall be preserved by the tax collector."

The Speaker laid the bill before the House, and it was read second time.

Question—Shall the bill be passed to engrossment?

MESSAGE FROM THE SENATE.

Committee Room,
Austin, Texas, March 4, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed:

S. C. R. No. 37, Providing for the appointment of a joint committee from the House and Senate to inspect the property of the Rusk Junior College, with a view of acquiring same to relieve the congestion of the insane in Texas jails.

S. C. R. No. 38, Requesting the House to return House bill No. 10 to the Senate for further consideration.

Respectfully,

MORRIS C. HANKINS.

Assistant Secretary of the Senate.

RECESS.

Mr. Woodall moved that the House recess to 1:30 o'clock p. m. today.

Mr. Kemble moved that the House recess to 2 o'clock p. m. today.

The motion of Mr. Kemble prevailed, and the House accordingly, at 12 o'clock m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

RECALLING HOUSE BILL NO. 10 FOR FURTHER CONSIDERATION

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 38, Recalling House bill No. 10.

Whereas, House bill No. 10 has been finally passed by both Houses of the Legislature; and

Whereas, The caption and body of the bill do not conform, now therefore, be it

Resolved by the Senate, the House of Representatives concurring, That House bill No. 10 be returned to the Senate for correction.

The resolution was read second time and was adopted.

Mr. Johnson of Dimmit moved a call of the House for the purpose of maintaining a quorum until 5:30 o'clock p. m. today, and the call was duly ordered.

The Speaker then directed the Door-keeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Johnson of Dim-

mit the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

BILL ORDERED NOT PRINTED.

On motion of Mr. Pope of Jones Senate bill No. 454 was ordered not printed.

BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally the following enrolled bills:

S. B. No. 384, "An Act to validate organization of certain independent school districts and validating the board of trustees of same, and providing that they shall have the powers conferred by the laws of this State applicable to such districts, and validating all proceedings and acts of same heretofore taken and had as authorized by the school laws of this State; validating all bonds authorized and sold and now outstanding of said districts, and declaring an emergency."

S. B. No. 388, "An Act amending Article 879g as amended by Chapter 215 of the General and Special Laws of the Regular Session of the Legislature so as to close the deer season in certain counties, and declaring an emergency."

S. B. No. 451, "An Act determining and fixing the annual salary of the county superintendent of public instruction of Liberty county, Texas; providing for the payment of said salary; providing for the payment of office expenses, and declaring an emergency."

S. B. No. 88, "An Act to amend Article 941 of the 1925 Penal Code of the State of Texas, so as to make it unlawful for any person to place, set, use or drag any seine, net or other device for taking fish and shrimp other than the ordinary pole and line, trotline, set line, or cast net or minnow seine not more than twenty feet in length for catching bait within the coastal or tidal salt waters of Texas, except the Gulf of Mexico beyond one mile of any pass leading from the Gulf of Mexico to any bay, lake, lagoon bayou or other body of such water; providing for use of spear, gig or light for taking flounders in such waters, except during the months of November and December of each year; providing for confiscation of nets, seines and other tackle for evidence, and providing for penalties, and declaring an emergency."

S. J. R. No. 19, Proposing an amend-

ment to Section 5 of Article 3 of the Constitution of the State of Texas, fixing the terms for convening the Legislature of the State of Texas; providing that the first thirty days thereof shall be devoted to the introduction of bills and resolutions, acting upon emergency appropriations, passing upon confirmation of recess appointees of the Governor and such emergency matters as may be submitted by the Governor in special messages to the Legislature; providing that during the succeeding thirty days of the Regular Session committees of each house shall hold hearings to consider bills and resolutions and all other matters then pending; and providing that during the following sixty days of the Regular Session the Legislature shall act upon such bills and resolutions as may be then pending and upon such emergency matters as may be submitted by the Governor in special messages to the Legislature; and amending Section 24 of Article 3 of the Constitution of the State of Texas, increasing the per diem of members of the Legislature to \$10 per day for the first 120 days of each session and thereafter not exceeding \$5 per day; and providing for the mileage in going and returning from the seat of government to not exceed \$2.50 for every twenty-five miles, the distance to be computed by the nearest and most direct route of travel from a table of distances prepared by the Comptroller; and providing that no member shall be entitled to mileage for any extra session called within one day after the adjournment of a regular or called session; providing for an election upon such proposed constitutional amendment, and making an appropriation therefor.

HOUSE BILL NO. 20 ON PASSAGE TO ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 20, relating to collecting delinquent taxes, on its passage to engrossment.

Mr. Harman offered the following (committee) amendment to the bill:

Amend House bill No. 20 by striking out all above and below the enacting clause and insert in lieu thereof the following:

A bill to be entitled "An Act to provide more efficient means and methods for the collection of delinquent taxes, penalties and interest due (or to become due) the State or county; prescribing the duties of the State Comptroller of Public Accounts, other State officers, tax collectors, tax assessors,

district attorney, county attorney, in reference thereto; and providing for compensation for those engaged by said Comptroller and county commissioners by contract for the more efficient accomplishment of said purposes; providing for counties, school districts or other districts to join in the contract herein provided for; providing for additional compensation for tax collectors in collecting delinquent taxes on personal property and appearing on insolvent lists; repealing all laws in conflict with provisions of this act; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. The commissioners courts of the several counties of the State of Texas, and the Comptroller of Public Accounts of the State of Texas, as the proper State agent, are hereby vested with authority when, in their opinion, delinquent taxes are not being collected as provided by law, to make and execute, from time to time, contracts with a competent person or persons experienced in tax matters for his or their services in assisting State, county and district officers in the collection and enforcement of payment of delinquent taxes due (or to become due) to the State or county, as now or may become delinquent; and the trustees or managing board of independent school districts or other districts, whose taxes are collected through the State and county tax rolls, may join in such contract if they desire their taxes collected with State and county taxes. Provided, that no such contract shall cover the collection of taxes for which a suit has been properly filed and is being diligently prosecuted.

Sec. 2. The Comptroller shall prescribe the form of such contract or contracts in such terms as shall require each such person to render competent and faithful service during the term of his contract in assistance of said officers and in performance of the general duties named and to be named in this act. The Comptroller shall require the person or persons with whom each contract is made to execute a bond in a penal sum of not less than five thousand dollars (\$5000) and not more than ten thousand dollars (\$10,000), payable to the Governor of the State, for the use and benefit of the State or county, as its interest may appear and conditioned upon the faithful performance of the terms and obligation of such contract, and the duties assumed thereunder, and

under this act, by such person or persons; each such bond shall be executed by two or more personal sureties satisfactory to the Comptroller, or by some surety company authorized to do business in the State, and shall be subject to his approval, and such approval shall be evidence of final making of such contract.

Sec. 3. The services which shall be performed by such person or persons in assisting the Comptroller, tax collector, county or district attorney, and which shall be set forth in substance in all contracts executed under the provisions of this act shall be as follows, viz.:

A. The compilation, in triplicate, of a complete delinquent tax record, arranged in the manner and form required by law and the rulings of the Comptroller's Department, showing in consecutive order the items of taxes for all years on each separate lot or tract or personal property now owned by different taxpayers; such delinquent tax record shall be arranged numerically by abstracts, or by blocks in the various counties, cities, towns or additions, and lists of all persons who owe taxes due the State, counties, towns or cities on personal property, and one copy thereof shall be filed with the tax collector, one with the Comptroller, and the third shall be filed with the county clerk, but may be withdrawn by the contracting party for its use in collecting the tax. Before allowing any commission for collecting the delinquent State tax due on real estate, the Comptroller shall require such record to be compiled, approved by the commissioners court and by his department, or must have some definite assurance that such record is in the process of compilation.

B. The preparation in statement or notice form from the delinquent tax records of the county in which said contract is to be performed, or of the records of the Comptroller's office, or other available records, of complete statements, for each tract of real estate or description of personal property for all years delinquent, showing the name of the party to whom assessed and who may owe same, the description of the property and the amount of taxes, interest, penalty and costs delinquent upon each of said tracts or list of personal property. One copy of such notices or statements shall be mailed or delivered to the delinquent taxpayer or the last known owner of such real or personal property; one copy shall be filed with the Comptroller, and one copy

with the tax collector, but may be used by the party or parties assisting in the collection of the delinquent tax, and another copy shall be filed with the county or district attorney, upon expiration of the notice required by law to be given to the taxpayer.

C. Communicate with and furnish to all of the persons, firms or corporations owing the delinquent taxes, penalties and interest described in said list, a copy of the statement described in the above item B and endeavor to effect the collection thereof.

D. After furnishing such statement and after an effort to effect the collection of said taxes from the delinquent, if the same are not paid it shall be ascertained from the deed records or from any other available source the correct name of the owners of the property shown on said list, the correct and legal descriptions of said property, and the names of all persons, firms or corporations owning liens or any other interest against the same.

E. To communicate with such additional persons as are shown by the investigation defined in the above item D to be interested in said property and endeavor to collect said taxes from such persons.

F. To aid and assist in the preparation of petitions and the institution of suits for the collection of all taxes, penalties and interest which remain unpaid after the completion of the procedure above outlined, and the prosecution of said suits to a final judgment, including the foreclosing of the tax lien and the sale of said property in satisfaction of said taxes, penalties and interest.

G. To report all errors and double assessments, assessments of exempt property, to the tax collector and Comptroller for correction or cancellation, upon the forms prescribed by the Comptroller.

H. The doing of all other things legally necessary and not specially mentioned herein to effect the collection of any delinquent taxes, penalties and interest.

Sec. 4. Where it is the duty of the county attorney to file such suit, and there is no county attorney, or the commissioners court has filed with the district attorney a written statement showing that the county attorney has failed or refused to file delinquent tax suits, then the statements of delinquent taxes shall be filed with the district attorney, who shall file said suits.

Sec. 5. The contracting party shall

prepare, or cause to be prepared, all petitions and pleadings in suits for the collection of delinquent taxes and present same to the county or district attorney or Attorney General in proper form, with the request that he shall promptly sign the same officially and file in a court of competent jurisdiction, and shall diligently prosecute any such suit or suits to final judgment, and when the services of attorneys to file and prosecute suits to enforce such collection under the direction or authority of the county or district attorney by way of assistance to the county or district attorney shall be necessary, such attorneys shall be employed and paid for their services by the person or persons with whom such contract is made.

Sec. 6. The contracting party shall not receive, collect or receipt for any tax money due from a delinquent taxpayer, but may prepare the receipts for the proper officer to sign and present same to the tax collector or Comptroller, who shall, if correct, execute the receipt and accept payment therefor. The contracting party shall, at his own expense, provide all books, stationery, supplies necessary to the proper performance of such contract, and the forms and designs of such books and records shall be prescribed by the Comptroller.

Sec. 7. It shall be the duty of the contracting party to cause to be collected all delinquent taxes due and clear the tax record of all delinquent and insolvent taxes during each year, and before the taxes become delinquent for the next succeeding year, and to assist the tax collector, the county or district attorney, and the Comptroller, as far as possible, in all the duties imposed under the terms of this act, as well as those of the contractor, and any failure to do so, unless for good and sufficient cause, shall authorize the Comptroller to cancel such contract and to request the Attorney General to bring suit for such damages as the State or county may have sustained.

Sec. 8. In the event it may be necessary to levy on the property or to file suit to collect the delinquency on delinquent taxes, no property shall be sold for a less amount than the taxes, penalties, interest and costs due on such property, unless it be shown by a statement of the tax assessor, filed with the sheriff, to the effect that such property to be sold is not reasonably worth in cash the amount of such taxes, penalties, interest and costs charged against it. It shall

be the duty of the sheriff to sell any such property to the highest bidder; provided, that no such sale shall be made for less amount than the total of the taxes, penalties, interest and costs, except as above set forth.

Sec. 9. The contractor shall prepare the statements or notices, make the demands and certify the collectible unpaid items to the tax collector and Comptroller, and the tax collector shall be allowed the same costs for preparation of the annual insolvent list, from which such statements shall be made, as allowed for the preparation of the annual delinquent list of real estate, and shall be allowed the same commission on personal property delinquency (insolvency) as allowed for the collection of delinquent taxes on real estate; provided, that in those counties where no person is employed to assist the officers in the collection of delinquent tax, he shall be allowed a commission of twenty per cent (20%) on delinquent personal taxes in lieu of all other commissions allowed by law.

Sec. 10. For said services said person or persons shall be paid a sum not to exceed ten per cent (10%) of all delinquent taxes, penalties and interest collected by said contract, after its execution, without suit; a sum not to exceed twenty-five per cent (25%) of all taxes, interest and penalties collected after the filing of suit.

Sec. 11. The person or persons holding the contracts for the collection of delinquent tax shall, at the end of each month, prepare an itemized statement, on forms prescribed by the Comptroller, showing on one statement the amount of delinquent taxes, interest and penalties collected without suit, on another the amount of the taxes, interest and penalties collected by suit, one copy of each of such itemized statements shall be filed with the tax collector, one with the Comptroller and one with the county auditor, or in those counties having no county auditor it shall be filed with the county clerk.

Sec. 12. The tax collector of each county in which such person or persons are working under such contracts shall verify the items and amounts reported as required by Section 11, as collected, and shall deduct out of such collections the proper percentage or commission, as provided in such person's contract, as costs of collection, and shall pay that amount over to the person or persons holding the contract, and shall distribute the balance of such collections,

less his own commissions, to proper funds and pay them over to the proper authority.

Sec. 13. If the taxes of any school district or other taxing organization shall be included on the county tax roll along with State and county taxes, for the collection and distribution of which the county tax collector and other county officers are responsible, the proper county officer, before dispensing to or crediting the said school district or other organization with any taxes, penalties and interest collected under the provisions of this act, shall deduct therefrom a sum sufficient to pay the compensation herein provided and include the same with other payments due said contracting party, and said deductions are hereby designated and determined as cost of collection, and any and all amounts so deducted are hereby granted and appropriated to defray the expenses of collecting the same.

Sec. 14. Before the execution of such contract it shall be the duty of the Comptroller and the commissioners court to make diligent investigation and inquiry with reference to the ability, experience and honesty of any person offering himself for such services, and in no event shall a contract be executed with any person not found by such investigations to be efficient in the handling of such matters.

Sec. 15. It shall be the duty of the county tax collector, the Comptroller of Public Accounts, and all other State, county and district officers interested in the collection of delinquent taxes to allow such tax assistants full access at reasonable hours to all tax rolls, books, accounts and other records of their respective offices which may be necessary for his use in the performance of his contract. It shall also be the duty of such officers at all times to co-operate with and render such reasonable assistance to the tax assistants as the circumstances may require.

Sec. 16. The provisions of this act shall not be construed to repeal any provisions of Chapter 10, Title 122, Revised Civil Statutes for 1925, but shall be cumulative thereof.

Sec. 17. The fact that according to a conservative estimate of the amount of the delinquent and insolvent taxes due the State alone, as shown by the records of the State Comptroller's Department, is approximately twenty-five million (\$25,000,000) dollars, with doubtless an equal amount due the counties and districts; and the fact that

such delinquencies make the burden heavier on the willing taxpayer; and that the collections of these delinquent taxes will contribute several million dollars to the available free school fund, the general revenue and the Confederate pension fund of this State; and the further fact that it is apparent that the cost of collection of such taxes as provided for in this act will more than be taken care of by the accrued penalties and interest, creates an emergency and an imperative public necessity demanding that the constitutional rule requiring bills to be read on three several days in each house be suspended, and the same is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Harman offered the following amendment to the amendment:

Amend committee substitute House bill No. 20, page 1, line 9, by adding after the word "delinquent" the word "ad valorem," and by striking out the following: "or to become due."

The amendment was adopted.

Mr. Wallace offered the following amendment to the amendment:

Amend substitute for House bill No. 20, on page 1, lines 27 and 31, by adding after the word "delinquent" the word "ad valorem."

The amendment was adopted by the following vote:

Yeas—64.

Ackerman.	Johnson
Adkins.	of Dimmit.
Albritton.	Johnson of Scurry.
Baker.	Keller.
Barnett.	Kennedy.
Bond.	King.
Bounds.	Kinnear.
Brice.	Land.
Carpenter.	Long of Houston.
Cox of Limestone.	Loy.
Davis.	Mankin.
DeWolfe.	Maynard.
Dunlap.	McGill.
Finlay.	Metcalf.
Forbes.	Minor.
Giles.	Mosely.
Graves	Murphy.
of Williamson.	Nicholson.
Graves of Erath.	Olsen.
Harman.	Pavlica.
Harper.	Quinn.
Harrison.	Renfro.
Hefley.	Savage.
Hines.	Shaver.
Holder.	Sherrill.
Hopkins.	Shipman.
Jenkins.	Simmons.

Sinks.
Smith.
Speck.
Stevenson.
Storey.
Strong.
Thompson.

Tillotson.
Turner.
Wallace.
Williams
of Travis.
Woodall.

Nays—42.

Anderson.
Bateman.
Chastain.
Conway.
Duvall.
Enderby.
Ewing.
Finn.
Gates.
Gerron.
Gilbert.
Hardy.
Hogg.
Johnson of Smith.
Jones.
Kayton.
Keeton.
Kincaid.
Lemens.
Martin.
McCombs.

McDonald.
McKean.
Mehl.
Montgomery.
Moore.
Mullally.
Pool.
Pope of Jones.
Pope of Nueces.
Reader.
Rogers.
Shelton.
Snelgrove.
Stephens.
Thurmond.
Veatch.
Walters.
Warwick.
White.
Williams
of Sabine.

Present—Not Voting.

Heaton.

Wiggs.

Absent.

Baldwin.
Beck.
Bradley.
Brooks.
Coltrin.
Cox of Navarro.
Cox of Lamar.
Eickenroht.
Harding.
Hornaday.
Hubbard.
Justiss.
Kemble.
Kenyon.
Lee.
Long of Wichita.
Mauritz.
Negley.

O'Neill.
Palmer.
Patterson.
Petsch.
Prendergast.
Purl.
Ray.
Reid.
Richardson.
Rountree.
Sanders.
Tarwater.
Van Zandt.
Waddell.
Webb.
Woodruff.
Young.

Absent—Excused.

Acker.
Avis.
Fuchs.
Morse.

Westbrook.
Williams
of Hardin.

Mr. Wallace offered the following amendments to the (committee) amendment:

(1)

Amend substitute for House bill No. 20 by striking out the words "or to

become due," in line 32, page 1, and insert in lieu thereof the following: "or to become past due during the life of the contract."

(2)

Amend the substitute for House bill No. 20, page 1, lines 32 and 33, by striking out the words "as now or may become delinquent."

The amendments were severally adopted.

Mr. Pope of Nueces offered the following amendment to the (committee) amendment:

Amend substitute to House bill No. 20 by striking out all of said bill except Section 4 and renumber said section as Section 1 and then amend the caption to correspond and add at the end of said section the following: "And if such county attorney shall fail or refuse to file suit for the collection of such delinquent taxes after being notified to do so by order of the county commissioners court, such failure or refusal shall constitute a failure of the performance of the duties of his office and be a sufficient ground for impeachment under the laws of this State with reference to the impeachment of county officers."

Mr. Barnett offered the following amendment to the (committee) amendment:

Amend substitute House bill No. 20 by striking out all of line 22.

Mr. Bounds moved the previous question on the pending amendments and the bill, and the main question was ordered.

Question first recurring on the amendment by Mr. Barnett, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—70.

Ackerman.
Albritton.
Anderson.
Barnett.
Bateman.
Bond.
Bounds.
Brooks.
Carpenter.
Chastain.
Cox of Limestone.
Dunlap.
Duvall.
Eickenroht.
Finn.
Fuchs.
Gates.
Gerron.

Giles.
Graves
of Williamson.
Hardy.
Hines.
Hogg.
Hopkins.
Hornaday.
Johnson
of Dimmit.
Johnson of Smith.
Johnson of Scurry.
Jones.
Justiss.
Kayton.
Keeton.
Keller.
Kincaid.

King.	Prendergast.
Loy.	Purl.
Mankin.	Quinn.
Martin.	Reid.
McDonald.	Sanders.
McGill.	Shaver.
Mehl.	Snelgrove.
Montgomery.	Speck.
Moore.	Storey.
Mullally.	Thompson.
Murphy.	Thurmond.
Negley.	Tillotson.
Nicholson.	Wallace.
O'Neill.	Walters.
Pavlica.	Warwick.
Pool.	Wiggs.
Pope of Jones.	Williams
Pope of Nueces.	of Travis.

Nays—50.

Adkins.	McCombs.
Baker.	McKean.
Baldwin.	Minor.
Brice.	Mosely.
Coltrin.	Palmer.
Conway.	Ray.
Cox of Lamar.	Reader.
Davis.	Renfro.
DeWolfe.	Rountree.
Enderby.	Savage.
Finlay.	Shelton.
Forbes.	Sherrill.
Gilbert.	Shipman.
Graves of Erath.	Simmons.
Harding.	Sinks.
Harman.	Stephens.
Harper.	Stevenson.
Heaton.	Strong.
Holder.	Tarwater.
Jenkins.	Turner.
Kemble.	Van Zandt.
Kennedy.	Veatch.
Kinnear.	Waddell.
Land.	Williams
Lee.	of Sabine.
Long of Houston.	Woodall.
Long of Wichita.	Young.

Absent.

Beck.	Maynard.
Bradley.	Metcalfe.
Cox of Navarro.	Patterson.
Ewing.	Petsch.
Harrison.	Richardson.
Hefley.	Rogers.
Hubbard.	Smith.
Kenyon.	Webb.
Lemens.	White.
Mauritz.	Woodruff.

Absent—Excused.

Acker.	Westbrook.
Avis.	Williams
Morse.	of Hardin.
Olsen.	

Mr. Anderson moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 116 ON SECOND READING.

On motion of Mr. Pavlica, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 116, A bill to be entitled "An Act to amend Chapter 6, Title 93, Revised Civil Statutes of Texas, 1925, and Chapter 5, Title 14, Revised Criminal Statutes of Texas, 1925, relating to public weighers, by amending Articles 5680, 5681, 5688, 5689, 5691, 5694, 5695 and 5704."

The Speaker laid the bill before the House and it was read second time.

Mr. Bateman offered the following amendment to the bill:

Amend the bill by striking out all above and below the enacting clause and insert in lieu thereof the following:

A bill to be entitled "An Act to amend Chapter 6, Title 93, Revised Civil Statutes of Texas, 1925, and Chapter 5, Title 14, Revised Criminal Statutes of Texas, 1925, relating to public weighers, by amending Articles 5680, 5681, 5683, 5688, 5689, 5691, 5694, 5695, 5697, 5704; repealing Article 5702 and 5692 in Chapter 6, Title 93, Revised Civil Statutes of Texas, 1925, and amending Article 1052; repealing Article 1047, adding Articles 1052a, 1052b, 1052c, 1052d, 1052e, to Chapter 5, Title 14, Revised Criminal Statutes of Texas, 1925; providing the holding of one section or provision of this act unconstitutional shall not invalidate any other section or provision, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That from and after the passage of this act Articles 5680, 5681, 5683, 5688, 5689, 5691, 5694, 5695, 5697, 5704 of Chapter 6, Title 93, Revised Civil Statutes of Texas of 1925, be amended; that Articles 5702 and 5692 of same chapter and title be repealed; that Article 1052 of Chapter 5, Title 14, Revised Statutes of Texas of 1925, be amended; that Article 1047 of same chapter and title be repealed, and that Articles 1052a, 1052b, 1052c,

1052d, 1052e, be added thereto, the articles above mentioned, to be amended and added, to read as follows:

Article 5680. Any person elected by virtue of Article 5683, or appointed under Articles 5681 and 1052e of this act shall be known as a public weigher and shall comply with the provisions of this act or any other law regulating public weighers.

Article 5681. The Governor is authorized and required to appoint in each port in this State as many public weighers as in his judgment he thinks necessary to carefully and accurately weigh all produce tendered for the purpose of weighing for shipment and commerce. A port as herein used shall be locality where ships customarily stop for the purpose of loading and unloading commodities for transportation in interstate or foreign commerce. Provided, the Governor is authorized and required to appoint a sufficient number of public weighers in other cities in this State which according to the United States census of 1920 had a population of not less than 100,000 people and not more than 150,000 people. Provided further, however, that nothing in this act shall be construed to in any way abridge the right of the buyer and the seller, of any commodity, by contract, to specifically agree upon any person, firm or corporation, not a public weigher, to weigh any designated commodity and to abide by such weight, and in such event none of the provisions of this act shall be applicable to the weighing and certification thereof.

Article 5683. Election.—In all counties in which there are no port, city or cities in which the Governor is authorized to appoint public weighers, there shall be elected at each general election a public weigher for each justice precinct in the manner and form governing the election of other precinct officers. The commissioners court at the regular February term preceding the election may unite two or more justice precincts for the purpose of electing such public weighers.

Article 5688. Each public weigher elected for a precinct shall execute and keep in force a bond in the sum of \$2000 payable to the State of Texas, conditioned that he will accurately weigh, or measure all produce tendered to him for weighing or measuring, and that all certificates of weights issued by him shall represent true and accurate weight of the produce so weighed,

and that he will comply with the laws governing public weighers, and that he will not permit anyone to molest, mutilate or destroy any article, produce or commodity while in his possession. Such bond shall not be void on first recovery, but may be sued on by any person injured by such public weigher. Such bond shall be subject to the approval of the commissioners court of the county in which such public weigher resides. After such bond is filed, approved and recorded, as provided by law, the county clerk shall immediately certify such action to the Commissioner of Agriculture.

Article 5689. All public weighers, whether elected or appointed, and their deputies, before entering upon their duties as such shall take and subscribe to the official oath and file same with their bonds.

Article 5691. Each public weigher, appointed or elected, shall have the right, and it shall be his duty to appoint a sufficient number of deputies to weigh all produce tendered for the purpose of weighing at any and all points within his jurisdiction. Such deputy before entering upon the duties of his office shall give a bond payable to the State of Texas in the penal sum of one thousand dollars (\$1,000.00) dollars, conditioned that he will weigh accurately any commodity tendered to him for weighing and shall comply with the terms and conditions of the bond given by the public weigher. Such bond given by the deputy shall be subject to the requirements of law relating to the bond of the public weigher. The deputy public weigher appointed under the provisions of this article shall serve during the pleasure of the public weigher. The public weigher shall report to the Commissioner of Agriculture the name and address of each deputy appointed by him, and the place at which such deputy shall be located, and make such reports as shall be requested by the Commissioner of Agriculture from time to time.

Article 5694. All public weighers in this State as provided for in this act, shall be under the supervision of the Commissioner of Agriculture and all weights made by them shall be subject to his approval. In any case where any discrepancy arises as to weights or measures of cotton or other farm products, made between public weighers in different sections of this State, the difference shall be subject to review by the Commissioner; and any party who may be dissatisfied with the weights

or measures of any public weigher, may appeal to the Commissioner, and have such cotton or other farm products re-weighed or re-measured, for the purpose of ascertaining and deciding the correct weight and measure thereof. The scales of all public weighers weighing cotton and other products shall at all reasonable time be subject to inspection by the Commissioner, or his duly authorized representatives. Compliance with this article shall be absolute prerequisite to the right to institute and maintain any action concerning the subject matter hereof, in any court of this State. The authority herein conferred upon the Commissioner, to review the weights, shall not be construed as in any manner affecting the selection of public weighers or of fixing the charge to the public of such public weighers.

Article 5695. It shall be the duty of the Commissioner of Agriculture to carefully and accurately test all scales, weights, beams and measures used by the public weigher, at least once each year, and to issue a certificate of authority to all elected and appointed weighers and their deputies in this State, and at the time of issuing said certificates, and annually thereafter, collect a fee of five (\$5.00) dollars from each public weigher and a fee of five (\$5.00) dollars from each deputy public weigher; and such fee shall be paid by the Commissioner of Agriculture into the State Treasury to the credit of the Department of Agriculture and placed in a special fund to be known as the "Special Public Weighers Fund," and said fund is hereby specifically appropriated to the use of the Commissioner of Agriculture for the purchase of equipment for the Weights and Measures Division and for the proper administration of this act. This fund shall be paid out upon warrants drawn by the Comptroller against the State Treasury upon account approved by the Commissioner of Agriculture.

Article 5697. Seal.—Every public weigher in this State shall provide himself with a seal, consisting of a star of five points, and shall have inscribed on the outer margin thereof the words, "Public Weigher, Precinct No., County, Texas," or "Public Weigher, City, Texas," or "Public Weigher, Port of, Texas," which seal shall be impressed upon each weight certificate issued by such public weigher, or deputy public weigher, on all weight sheets made out by them.

Article 5704. Nothing in this act shall prevent any person, firm or corporation from weighing any commodity which he may purchase or sell.

Article 1052. It shall be unlawful for any person, firm, corporation or association of persons or his or its agent or employe, except a public weigher or his deputy as provided for in this act, to hold himself out as a public weigher or to act as a public weigher, or issue any certificate of weights or measures as such.

Article 1052a. It shall be unlawful for any person in this State, except a public weigher or his deputy, acting either for himself, or as the agent, employe or representative of any person, firm, corporation, or organization, to weigh or measure for hire any article, commodity or thing, or issue for hire a weight certificate therefor, for the purpose of sale or settlement.

Provided, that this section shall not apply to railroads weighing freight for settlement of freight charges, or for information of consignees of freight as basis for settlement of bills or consignor.

Article 1052b. No more than one pound of cotton shall be taken from any bale of cotton each time same is sampled either from one or both sides by any public weigher or deputy public weigher or other person.

Provided any public weigher, deputy public weigher or any other person who shall violate this section shall be guilty of a misdemeanor and on conviction shall be fined not less than ten (\$10.00) dollars nor more than two hundred (\$200.00) dollars.

Article 1052c. It shall be unlawful for any public weigher or his deputy in this State to weigh any bale of cotton for the producer and make any deduction therefrom. Provided, however, when a bale of cotton is damp, wet, or damaged, it shall be the duty of the public weigher or his deputy to record on his weight certificate, in ink or other indelible substance, a notation that the cotton is damp, wet, or damaged. Provided, further, any public weigher or his deputy weighing cotton for shippers or buyers of cotton may make deductions for excess moisture, extra bands, bagging, or damage, and record only the net weight if the seller, shipper, or consignor shall make such agreement with the buyer or consignee at the time of the making of the sale or consignment.

Be it further provided, any public weigher, deputy public weigher or any

other person violating any provision of this article shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty (\$50.00) dollars nor more than two hundred (\$200.00) dollars. Each bale of cotton weighed and recorded contrary to the provisions of this article shall constitute a separate offense.

Article 1052d. Any public weigher, deputy public weigher, or any person acting either for himself or as the agent of any firm, corporation, co-partnership or association, who shall violate any of the provisions of this act for which no specific penalty is provided, shall on conviction be fined not less than ten (\$10.00) dollars nor more than two hundred (\$200.00) dollars.

Article 1052e. Public weighers who have been selected under laws in effect prior to this act shall be permitted to serve out unexpired terms; provided that in justice precincts where no public weigher has been elected the commissioners court of such county shall appoint a public weigher to fill said office until the next general election, and until his successor has been elected and qualified, which public weigher and his deputies shall be governed by the provisions of this act. Provided, further, no public weigher shall be appointed by the commissioners court in cities or ports where the Governor is authorized to appoint public weighers under this act.

Sec. 2. That each section of this act, and every provision of each section is hereby declared to be an independent section or provision, and the holding of any section, or provision of any section to be void, ineffective, or unconstitutional for any cause whatever shall not be deemed to affect any other section or provision thereof.

Sec. 3. The fact that there is now no adequate law for regulating public weighers, and the further fact that the laws now providing for the selection of public weighers are vague, indefinite and confusing, creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring that all bills shall be read on three several days in each house, and the same is hereby suspended and this act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Kayton offered the following amendment to the amendment:

Amend amendment to House bill No. 116 by providing "that all counties

having a city of a population of more than 35,000 and less than 160,000 according to 1920 census shall not be included in the provisions of this bill."

Signed—Kayton, Purl, McKean, Keller.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—35.

Ackerman.	Martin.
Adkins.	McCombs.
Baldwin.	McGill.
Bradley.	Moore.
Cox of Navarro.	Mullally.
Cox of Limestone.	Olsen.
Duvall.	Pool.
Forbes.	Pope of Nueces.
Hardy.	Purl.
Harding.	Reader.
Hopkins.	Savage.
Hornaday.	Smith.
Kayton.	Speck.
Keller.	Stevenson.
Kemble.	Warwick.
Long of Houston.	Williams
Long of Wichita.	of Travis.
Mankin.	Young.

Nays—85.

Albritton.	Johnson of Scurry.
Anderson.	Jones.
Baker.	Justiss.
Barnett.	Keeton.
Bateman.	Kennedy.
Bond.	Kincaid.
Bounds.	King.
Brice.	Kinnear.
Brooks.	Land.
Carpenter.	Lemens.
Chastain.	Loy.
Conway.	Mauritz.
Cox of Lamar.	Maynard.
Davis.	McDonald.
Enderby.	McKean.
Ewing.	Metcalfe.
Finn.	Minor.
Fuchs.	Mosely.
Gates.	Murphy.
Gerron.	Nicholson.
Gilbert.	O'Neill.
Giles.	Palmer.
Graves	Pavlica.
of Williamson.	Pope of Jones.
Graves of Erath.	Prendergast.
Harper.	Quinn.
Harrison.	Ray.
Heaton.	Reid.
Hefley.	Renfro.
Hines.	Richardson.
Hogg.	Rogers.
Holder.	Rountree.
Johnson of Smith.	Sanders.

Shaver.
Shelton.
Shipman.
Simmons.
Snelgrove.
Stephens.
Storey.
Thompson.
Tillotson.
Turner.
Van Zandt.

Veatch.
Waddell.
Wallace.
Walters.
Webb.
Wiggs.
Williams
of Sabine.
Woodall.
Woodruff.

Absent.

Beck.
Coltrin.
DeWolfe.
Dunlap.
Eickenroht.
Finlay.
Harman.
Hubbard.
Jenkins.
Johnson
of Dimmit.
Kenyon.
Lee.
Mehl.
Montgomery.
Negley.
Patterson.
Petsch.
Sherrill.
Sinks.
Strong.
Tarwater.
Thurmond.
White.

Absent—Excused.

Acker.
Avis.
Morse.
Westbrook.
Williams
of Hardin.

Mr. Snelgrove moved to reconsider the vote by which the amendment was lost, and to table the motion to reconsider.

The motion to table prevailed.

Mr. McCombs offered the following amendment to the amendment:

Amend committee substitute for House bill No. 116 by changing "150,000," in line 25, page 6, to "159,000 according to United States census of 1920."

Signed—McCombs, Purl, Keller, Savage.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—45.

Ackerman.
Adkins.
Baldwin.
Barnett.
Bradley.
Chastain.
Cox of Navarro.
Dunlap.
Duvall.
Forbes.
Gates.
Gerron.
Graves
of Williamson.
Hardy.
Harding.
Hogg.
Hopkins.
Hornaday.
Johnson of Smith.
Kayton.
Keller.
Kemble.
Kennedy.

King.
Long of Wichita.
Loy.
Mankin.
Martin.
McCombs.
Montgomery.
Moore.
Mullally.
Murphy.
Pool.
Purl.
Savage.
Shaver.
Sinks.
Smith.
Speck.
Stevenson.
Thompson.
Warwick.
Williams
of Travis.
Young.

Nays—71.

Albritton.
Baker.
Bateman.
Bond.
Bounds.
Brice.
Brooks.
Carpenter.
Conway.
Cox of Lamar.
Enderby.
Ewing.
Eickenroht.
Finn.
Fuchs.
Gilbert.
Giles.
Graves of Erath.
Harman.
Harper.
Heaton.
Hefley.
Hines.
Johnson of Scurry.
Justiss.
Keeton.
Kincaid.
Kinnear.
Land.
Lemens.
Long of Houston.
Mauritz.
Maynard.
McDonald.
McGill.
McKean.
Metcalf.
Mosely.
Nicholson.
Olsen.
O'Neill.
Palmer.
Pavlica.
Pope of Jones.
Prendergast.
Quinn.
Ray.
Reader.
Reid.
Renfro.
Richardson.
Rogers.
Rountree.
Sanders.
Shelton.
Shipman.
Simmons.
Snelgrove.
Stephens.
Strong.
Thurmond.
Tillotson.
Turner.
Van Zandt.
Veatch.
Waddell.
Wallace.
Walters.
Webb.
Wiggs.
Williams
of Sabine.
Woodall.

Absent.

Anderson.
Beck.
Coltrin.
Cox of Limestone.
Davis.
DeWolfe.
Finlay.
Harrison.
Holder.
Hubbard.
Jenkins.
Johnson
of Dimmit.
Jones.
Kenyon.
Lee.
Mehl.
Morse.
Negley.
Patterson.
Pope of Nueces.
Sherrill.
Storey.
Tarwater.
White.
Woodruff.

Absent—Excused.

Acker.	Westbrook.
Avis.	Williams
Minor.	of Hardin.
Petsch.	

Mr. Snelgrove moved to reconsider the vote by which the amendment was lost, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Pope of Nueces offered the following amendment to the amendment:

Amend committee substitute to House bill No. 116 by striking out lines 30 to 37, page 8, and all of line 29 after the word "treasurer."

(Pending consideration of the amendment, Mr. Minor occupied the chair temporarily.)

Mr. Bateman moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—39.

Albritton.	McKean.
Baker.	Metcalfe.
Barnett.	Olsen.
Bateman.	O'Neill.
Bond.	Palmer.
Brooks.	Pavlica.
Conway.	Quinn.
Cox of Lamar.	Ray.
DeWolfe.	Reader.
Duvall.	Richardson.
Enderby.	Rountree.
Finlay.	Shelton.
Fuchs.	Smith.
Harman.	Snelgrove.
Harper.	Strong.
Harrison.	Tarwater.
Heaton.	Veatch.
Hefley.	Webb.
Justiss.	Woodall.
Kinnear.	Woodruff.

Nays—81.

Ackerman.	Graves
Adkins.	of Williamson.
Baldwin.	Graves of Erath.
Beck.	Hardy.
Brice.	Harding.
Carpenter.	Hines.
Chastain.	Hogg.
Coltrin.	Holder.
Cox of Navarro.	Hopkins.
Davis.	Hornaday.
Ewing.	Johnson
Eickenroht.	of Dimmit.
Forbes.	Johnson of Smith.
Gates.	Johnson of Scurry.
Gerron.	Jones.
Gilbert.	Kayton.

Keeton.	Pope of Nueces.
Kemble.	Prendergast.
Kennedy.	Purl.
Kincaid.	Reid.
King.	Renfro.
Land.	Rogers.
Lee.	Sanders.
Long of Houston.	Savage.
Long of Wichita.	Shaver.
Loy.	Sherrill.
Mankin.	Shipman.
Martin.	Sinks.
Maynard.	Speck.
McCombs.	Stephens.
McGill.	Stevenson.
Mehl.	Thompson.
Minor.	Thurmond.
Montgomery.	Tillotson.
Moore.	Turner.
Mosely.	Waddell.
Murphy.	Warwick.
Negley.	Wiggs.
Nicholson.	Williams
Petsch.	of Sabine.
Pool.	Williams
Pope of Jones.	of Travis.

Absent.

Anderson.	Mauritz.
Bounds.	McDonald.
Bradley.	Morse.
Cox of Limestone.	Mullally.
Dunlap.	Patterson.
Finn.	Simmons.
Giles.	Storey.
Hubbard.	Van Zandt.
Jenkins.	Walters.
Keller.	White.
Kenyon.	Young.
Lemens.	

Absent—Excused.

Acker.	Westbrook.
Avis.	Williams
Wallace.	of Hardin.

Question then recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—97.

Ackerman.	Cox of Lamar.
Adkins.	Davis.
Baker.	Ewing.
Baldwin.	Finlay.
Barnett.	Forbes.
Beck.	Gates.
Bradley.	Gerron.
Brice.	Gilbert.
Brooks.	Graves
Carpenter.	of Williamson.
Chastain.	Graves of Erath.
Coltrin.	Hardy.
Cox of Navarro.	Harding.

Heaton.	Nicholson.
Hefley.	O'Neill.
Hines.	Palmer.
Hogg.	Pool.
Holder.	Pope of Jones.
Hopkins.	Pope of Nueces.
Hornaday.	Prendergast.
Johnson	Purl.
of Dimmit.	Reid.
Johnson of Smith.	Renfro.
Johnson of Scurry.	Sanders.
Justiss.	Savage.
Kayton.	Shaver.
Keeton.	Sherrill.
Keller.	Shipman.
Kemble.	Simmons.
Kennedy.	Sinks.
Kincaid.	Snelgrove.
King.	Speck.
Land.	Stephens.
Lee.	Stevenson.
Long of Houston.	Strong.
Long of Wichita.	Tarwater.
Loy.	Thompson.
Mankin.	Thurmond.
Martin.	Tillotson.
Mauritz.	Turner.
Maynard.	Veatch.
McCombs.	Waddell.
McGill.	Warwick.
Mehl.	Wiggs.
Minor.	Williams
Montgomery.	of Sabine.
Moore.	Williams
Mosely.	of Travis.
Mullally.	Woodall.
Murphy.	Young.
Negley.	

Nays—21.

Albritton.	Quinn.
Bateman.	Ray.
Bond.	Reader.
Fuchs.	Richardson.
Harper.	Rogers.
Harrison.	Rountree.
Kinnear.	Shelton.
McKean.	Smith.
Metcalfe.	Webb.
Olsen.	Woodruff.
Pavlica.	

Absent.

Anderson.	Jenkins.
Bounds.	Jones.
Conway.	Kenyon.
Cox of Limestone.	Lemens.
DeWolfe.	McDonald.
Dunlap.	Morse.
Duvall.	Patterson.
Enderby.	Petsch.
Eickenroht.	Storey.
Finn.	Van Zandt.
Giles.	Walters.
Harman.	White.
Hubbard.	

Absent—Excused.

Acker.	Westbrook.
Avis.	Williams
Wallace.	of Hardin.

Mr. Purl moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Stevenson offered the following amendment to the amendment:

Amend committee substitute for House bill No. 116, page 9, line 25, by adding the following: "Provided further that this act shall not apply to the sale or purchase of any wool, mohair, live stock or other ranch products, and shall not apply to the weigher of any of said wool, mohair, live stock or other ranch products, nor to the operation of any wool or mohair warehouse, nor to the operation of any stockyard where live stock are bought or sold."

Mr. Rountree moved the previous question on the pending amendment and the bill, and the main question was ordered.

Question first recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—107.

Ackerman.	Hopkins.
Adkins.	Hornaday.
Baker.	Hubbard.
Barnett.	Jenkins.
Bradley.	Johnson
Brice.	of Dimmit.
Brooks.	Johnson of Smith.
Carpenter.	Johnson of Scurry.
Chastain.	Jones.
Coltrin.	Kayton.
Conway.	Keeton.
DeWolfe.	Kemble.
Ewing.	Kennedy.
Eickenroht.	King.
Forbes.	Kinnear.
Gates.	Land.
Gerron.	Lee.
Gilbert.	Lemens.
Graves	Long of Houston.
of Williamson.	Long of Wichita.
Hardy.	Loy.
Harding.	Mankin.
Harman.	Mauritz.
Harper.	Maynard.
Harrison.	McCombs.
Heaton.	McDonald.
Hefley.	McGill.
Hines.	McKean.
Hogg.	Mehl.
Holder.	Metcalfe.

Minor.
Montgomery.
Moore.
Mosely.
Mullally.
Murphy.
O'Neill.
Palmer.
Pavlica.
Petsch.
Pool.
Pope of Jones.
Pope of Nueces.
Prendergast.
Purl.
Quinn.
Ray.
Reader.
Reid.
Richardson.
Rogers.
Rountree.
Savage.
Shaver.
Sherrill.
Shipman.

Simmons.
Sinks.
Smith.
Snelgrove.
Speck.
Stephens.
Stevenson.
Storey.
Strong.
Tarwater.
Thompson.
Thurmond.
Tillotson.
Turner.
Veatch.
Warwick.
Webb.
White.
Wiggs.
Williams
of Sabine.
Williams
of Travis.
Woodall.
Woodruff.
Young.

Nays—12.

Albritton.
Baldwin.
Bateman.
Bond.
Bounds.
Fuchs.

Justiss.
Kincaid.
Martin.
Olsen.
Sanders.
Shelton.

Absent.

Anderson.
Beck.
Cox of Navarro.
Cox of Lamar.
Cox of Limestone.
Davis.
Dunlap.
Duvall.
Enderby.
Finn.
Finlay.
Giles.

Graves of Erath.
Keller.
Kenyon.
Morse.
Negley.
Nicholson.
Patterson.
Renfro.
Van Zandt.
Waddell.
Walters.

Absent—Excused.

Acker.
Avis.
Wallace.

Westbrook.
Williams
of Hardin.

Question then recurring on the (committee) amendment, as amended, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—95.

Adkins.
Albritton.
Anderson.
Baker.

Barnett.
Bateman.
Bond.
Bounds.

Bradley.
Brice.
Brooks.
Carpenter.
Chastain.
Coltrin.
Conway.
Cox of Lamar.
Davis.
DeWolfe.
Enderby.
Ewing.
Finlay.
Gates.
Graves
of Williamson.
Harding.
Harman.
Harper.
Harrison.
Heaton.
Hefley.
Hines.
Hogg.
Holder.
Hopkins.
Jenkins.
Johnson
of Dimmit.
Johnson of Smith.
Johnson of Scurry.
Jones.
Justiss.
Kayton.
Keeton.
Kemble.
Kincaid.
Kinnear.
Land.
Lee.
Lemens.
Long of Houston.
Loy.
Maynard.
McDonald.

McGill.
Mehl.
Metcalf.
Minor.
Montgomery.
Mosely.
Mullally.
Murphy.
Olsen.
Palmer.
Pavlica.
Pope of Jones.
Pope of Nueces.
Prendergast.
Quinn.
Ray.
Reader.
Reid.
Richardson.
Rogers.
Rountree.
Shaver.
Shelton.
Sherrill.
Shipman.
Simmons.
Smith.
Snelgrove.
Speck.
Stevenson.
Storey.
Tarwater.
Thompson.
Tillotson.
Turner.
Veatch.
Waddell.
Webb.
White.
Williams
of Sabine.
Woodall.
Woodruff.
Young.

Nays—25.

Ackerman.
Baldwin.
Beck.
Duvall.
Forbes.
Fuchs.
Gerron.
Giles.
Hardy.
Hubbard.
King.
Long of Wichita.
Martin.

McCombs.
McKean.
Moore.
Negley.
Nicholson.
Purl.
Sanders.
Sinks.
Stephens.
Thurmond.
Warwick.
Williams
of Travis.

Present—Not Voting.

Kennedy.

Wiggs.

Absent.

Cox of Navarro.

Cox of Limestone.

Dunlap.	Morse.
Eickenroht.	O'Neill.
Finn.	Patterson.
Gilbert.	Pool.
Graves of Erath.	Renfro.
Hornaday.	Savage.
Keller.	Strong.
Kenyon.	Van Zandt.
Mankin.	Walters.
Mauritz.	

Absent—Excused.

Acker.	Westbrook.
Avis.	Williams
Petsch.	of Hardin.
Wallace.	

House bill No. 116 was then passed to engrossment.

MOTION TO TAKE UP HOUSE BILL NO. 116.

Mr. Snelgrove moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 116 be placed on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by the following vote:

Yeas—79.

Adkins.	Johnson
Albritton.	of Dimmit.
Anderson.	Johnson of Scurry.
Baker.	Jones.
Barnett.	Justiss.
Bateman.	Kayton.
Bond.	Keeton.
Bounds.	Kincaid.
Bradley.	Kinnear.
Brice.	Land.
Brooks.	Lee.
Carpenter.	Lemens.
Chastain.	Long of Houston.
Coltrin.	Loy.
Conway.	Mauritz.
Cox of Lamar.	Maynard.
DeWolfe.	Mehl.
Dunlap.	Metcalfe.
Enderby.	Minor.
Ewing.	Mosely.
Finlay.	Olsen.
Fuchs.	O'Neill.
Gilbert.	Pavlica.
Graves	Prendergast.
of Williamson.	Quinn.
Harman.	Ray.
Harper.	Reader.
Heaton.	Richardson.
Hines.	Rogers.
Hogg.	Rountree.
Hornaday.	Shaver.
Jenkins.	Shelton.
Johnson of Smith.	Smith.

Snelgrove.	Webb.
Speck.	Williams
Storey.	of Sabine.
Tarwater.	Williams
Thurmond.	of Travis.
Tillotson.	Woodall.
Van Zandt.	Woodruff.
Veatch.	Young.
Waddell.	

Nays—42.

Ackerman.	McKean.
Baldwin.	Moore.
Duvall.	Mullally.
Eickenroht.	Negley.
Forbes.	Nicholson.
Gates.	Petsch.
Gerron.	Pool.
Giles.	Purl.
Hardy.	Reid.
Harding.	Sanders.
Hefley.	Savage.
Hopkins.	Sherrill.
Hubbard.	Shipman.
Kemble.	Sinks.
Kennedy.	Stephens.
King.	Strong.
Long of Wichita.	Thompson.
Mankin.	Turner.
Martin.	Wallace.
McCombs.	Warwick.
McGill.	Wiggs.

Absent.

Beck.	Montgomery.
Cox of Navarro.	Morse.
Cox of Limestone.	Murphy.
Davis.	Palmer.
Finn.	Patterson.
Graves of Erath.	Pope of Jones.
Harrison.	Pope of Nueces.
Holder.	Renfro.
Keller.	Simmons.
Kenyon.	Walters.
McDonald.	White.

Absent—Excused.

Acker.	Westbrook.
Avis.	Williams
Stevenson.	of Hardin.

HOUSE BILL NO. 540 ON SECOND READING.

On motion of Mr. Hines, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 540, A bill to be entitled "An Act providing that any person who may be convicted of a misdemeanor, or petty offense, and who shall be committed to jail in default of the payment of the fine and costs may be

worked upon the public roads, or upon the county farms of the county in which such conviction is had, or be hired out to any individual, company, or corporation in such county."

The Speaker laid the bill before the House and it was read second time.

Mr. Hines offered the following amendment to the bill:

Amend House bill No. 540 by striking out the words "company or corporation" wherever they appear in the bill; also amend the caption to conform to the body of the bill.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—93.

Ackerman.	Kennedy.
Adkins.	Kincaid.
Albritton.	King.
Baker.	Kinnear.
Bateman.	Land.
Beck.	Lee.
Bradley.	Lemens.
Brooks.	Long of Houston.
Chastain.	Loy.
Coltrin.	Mankin.
Conway.	Maynard.
Cox of Navarro.	McGill.
Davis.	McKean.
DeWolfe.	Mehl.
Enderby.	Moore.
Ewing.	Mosely.
Eickenroht.	Murphy.
Finlay.	Negley.
Forbes.	Olsen.
Fuchs.	O'Neill.
Gerron.	Pavlica.
Gilbert.	Pool.
Giles.	Prendergast.
Graves	Purl.
of Williamson.	Quinn.
Hardy.	Reader.
Harding.	Reid.
Harper.	Richardson.
Heaton.	Rogers.
Hefley.	Sanders.
Hines.	Savage.
Hogg.	Shaver.
Holder.	Shelton.
Hornaday.	Sherrill.
Hubbard.	Shipman.
Johnson	Simmons.
of Dimmit.	Sinks.
Johnson of Smith.	Smith.
Johnson of Scurry.	Snelgrove.
Jones.	Strong.
Justiss.	Tarwater.
Keller.	Thompson.
Kemble.	Turner.

Van Zandt.
Veatch.
Wallace.
Walters.
Warwick.
Webb.

Wiggs.
Williams
of Sabine.
Woodruff.
Young.

Nays—11.

Baldwin.	Martin.
Bond.	McCombs.
Bounds.	Mullally.
Carpenter.	Stephens.
Gates.	Williams
Long of Wichita.	of Travis.

Present—Not Voting.

Brice.

Absent.

Anderson.	Montgomery.
Barnett.	Morse.
Cox of Lamar.	Nicholson.
Cox of Limestone.	Palmer.
Dunlap.	Patterson.
Duvall.	Petsch.
Finn.	Pope of Jones.
Graves of Erath.	Pope of Nueces.
Harman.	Ray.
Harrison.	Renfro.
Hopkins.	Rountree.
Jenkins.	Speck.
Kayton.	Stevenson.
Keeton.	Storey.
Kenyon.	Thurmond.
Mauritz.	Tillotson.
McDonald.	Waddell.
Metcalfe.	White.
Minor.	Woodall.

Absent—Excused.

Acker.	Williams
Avis.	of Hardin.
Westbrook.	

House bill No. 540 was then passed to engrossment.

HOUSE BILL NO. 540 ON THIRD READING.

Mr. Hines moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 540 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—107.

Ackerman.	Bond.
Adkins.	Bounds.
Albritton.	Brice.
Anderson.	Brooks.
Barnett.	Carpenter.

Chastain.	Montgomery.
Coltrin.	Mosely.
Conway.	Mullally.
Cox of Navarro.	Murphy.
Cox of Lamar.	Negley.
Cox of Limestone.	Nicholson.
DeWolfe.	Olsen.
Enderby.	O'Neill.
Ewing.	Palmer.
Eickenroht.	Pavlica.
Finlay.	Pool.
Forbes.	Pope of Jones.
Fuchs.	Pope of Nueces.
Gerron.	Prendergast.
Gilbert.	Quinn.
Graves	Ray.
of Williamson.	Reader.
Graves of Erath.	Renfro.
Hardy.	Richardson.
Harding.	Rogers.
Harper.	Rountree.
Harrison.	Sanders.
Heaton.	Savage.
Hines.	Shaver.
Hogg.	Shelton.
Holder.	Sherrill.
Hopkins.	Shipman.
Hornaday.	Simmons.
Jenkins.	Smith.
Johnson	Snelgrove.
of Dimmit.	Speck.
Johnson of Smith.	Stephens.
Johnson of Scurry.	Stevenson.
Jones.	Storey.
Kayton.	Thompson.
Keller.	Thurmond.
Kemble.	Turner.
Kennedy.	Van Zandt.
Kincaid.	Veatch.
King.	Wallace.
Kinnear.	Walters.
Land.	Warwick.
Lee.	Webb.
Lemens.	White.
Long of Houston.	Wiggs.
Mankin.	Williams
Maynard.	of Sabine.
McDonald.	Woodall.
McGill.	Woodruff.
Mehl.	Young.
Metcalfe.	

Nays—9.

Beck.	McKean.
Gates.	Purl.
Hefley.	Reid.
Loy.	Strong.
McCombs.	

Absent.

Baker.	Dunlap.
Baldwin.	Duvall.
Bateman.	Finn.
Bradley.	Giles.
Davis.	Harman.

Hubbard.	Morse.
Justiss.	Patterson.
Keeton.	Sinks.
Kenyon.	Tarwater.
Long of Wichita.	Tillotson.
Martin.	Waddell.
Mauritz.	Williams
Moore.	of Travis.

Absent—Excused.

Acker.	Westbrook.
Avis.	Williams
Minor.	of Hardin.
Petsch.	

The Speaker then laid House bill No. 540 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—107.

Ackerman.	Johnson of Smith.
Adkins.	Johnson of Scurry.
Albritton.	Jones.
Anderson.	Justiss.
Barnett.	Kayton.
Bateman.	Keller.
Beck.	Kemble.
Bond.	Kennedy.
Bounds.	Kincaid.
Brice.	King.
Brooks.	Kinnear.
Carpenter.	Lee.
Chastain.	Lemens.
Coltrin.	Long of Houston.
Conway.	Mankin.
Cox of Limestone.	Maynard.
Davis.	McDonald.
DeWolfe.	McGill.
Dunlap.	Mehl.
Duvall.	Metcalfe.
Enderby.	Montgomery.
Ewing.	Mosely.
Eickenroht.	Mullally.
Finlay.	Murphy.
Forbes.	Negley.
Fuchs.	Nicholson.
Gerron.	Olsen.
Gilbert.	Palmer.
Graves	Pavlica.
of Williamson.	Pool.
Graves of Erath.	Pope of Nueces.
Hardy.	Prendergast.
Harding.	Quinn.
Harman.	Ray.
Harper.	Renfro.
Harrison.	Richardson.
Heaton.	Rogers.
Hines.	Savage.
Hogg.	Shaver.
Hopkins.	Shelton.
Hubbard.	Sherrill.
Jenkins.	Shipman.
Johnson	Simmons.
of Dimmit.	Sinks.

Smith.	Veatch.
Snelgrove.	Wallace.
Speck.	Walters.
Stephens.	Warwick.
Stevenson.	Webb.
Strong.	White.
Tarwater.	Wiggs.
Thompson.	Williams
Thurmond.	of Sabine.
Turner.	Woodall.
Van Zandt.	Young.

Nays—11.

Baldwin.	McCombs.
Gates.	O'Neill.
Hefley.	Pope of Jones.
Long of Wichita.	Purl.
Loy.	Reid.
Martin.	

Present—Not Voting.

Moore.

Absent.

Baker.	McKean.
Bradley.	Morse.
Cox of Navarro.	Patterson.
Cox of Lamar.	Reader.
Finn.	Rountree.
Giles.	Sanders.
Holder.	Storey.
Hornaday.	Tillotson.
Keeton.	Waddell.
Kenyon.	Williams
Land.	of Travis.
Mauritz.	Woodruff.

Absent—Excused.

Acker.	Westbrook.
Avis.	Williams
Minor.	of Hardin.
Petsch.	

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, March 4, 1929.

Hon. W. S. Barron, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House amendments to Senate bill No. 309 by a vote of 29 yeas, 0 nays.

The Senate has reconsidered the vote by which House bill No. 10 was passed finally, amended it, and passed it finally by a vote of 25 yeas, 3 nays.

Has passed:

S. B. No. 582, A bill to be entitled "An Act to authorize organized counties in this State which were unorganized at the time of taking the next preceding United States census, and which

had a population of less than one hundred at the time of said United States census, to refund the legally outstanding warrants and scrip indebtedness of such counties incurred prior to January 1st, 1929; providing limitations upon the issuance of warrants for road and bridge purposes and exceptions therefrom, and declaring an emergency."

S. B. No. 605, A bill to be entitled "An Act to diminish the civil jurisdiction of the county court of Nueces county; to conform the jurisdiction of the 113th District Court of Nueces county thereto," etc.

Respectfully,
MORRIS C. HANKINS,
Assistant Secretary of the Senate.

HOUSE BILL NO. 598 ON SECOND READING.

On motion of Mr. Bond, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 598, A bill to be entitled "An Act making it unlawful for any person or persons to go on the premises or plantation of any citizen of the State of Texas in the night time or between sunset and sunrise and move, or assist in moving, any laborer or tenant or the effects or property of any laborer or tenant therefrom, without consent of the owner or proprietor thereof, other than in the discharge of a civil or military order."

The Speaker laid the bill before the House, and it was read second time.

Mr. Carpenter offered the following amendment to the bill:

Amend House bill No. 598, page 1 of the printed bill, lines 18 to 24, inclusive, by inserting in lieu thereof the following: "That it shall be unlawful for any person or persons to go upon the premises or plantation of any citizen of this State and remove, or assist in moving, any laborer or tenant, or the effects of any laborer or tenant, therefrom prior to the expiration of the term for which such tenant or laborer was employed, without the consent of the owner or proprietor of such premises or plantation."

The amendment was lost.

Mr. Kennedy offered the following amendment to the bill:

Amend House bill No. 598, on page 1, in line 27, substitute "five dollars" for "fifty dollars" and "one hundred" for "one thousand"; also in line 30 after "dollars" strike out all down to Section 4.

The amendment was lost.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 598 was then passed to engrossment by the following vote:

Yeas—85.

Adkins.	Murphy.
Bateman.	Negley.
Beck.	Nicholson.
Bond.	Olsen.
Bounds.	O'Neill.
Brooks.	Palmer.
Carpenter.	Pavlica.
Coltrin.	Petsch.
Cox of Limestone.	Pope of Jones.
DeWolfe.	Pope of Nueces.
Enderby.	Prendergast.
Ewing.	Quinn.
Eickenroht.	Ray.
Finn.	Reader.
Finlay.	Renfro.
Forbes.	Richardson.
Fuchs.	Rogers.
Giles.	Sanders.
Graves	Savage.
of Williamson.	Shelton.
Harman.	Sherrill.
Heaton.	Shipman.
Hefley.	Simmons.
Hines.	Sinks.
Hogg.	Snelgrove.
Johnson	Speck.
of Dimmit.	Stevenson.
Johnson of Smith.	Strong.
Johnson of Scurry.	Tarwater.
Justiss.	Thompson.
Keeton.	Thurmond.
Keller.	Tillotson.
Kemble.	Turner.
King.	Van Zandt.
Land.	Veatch.
Lee.	Waddell.
Long of Houston	Walters.
Loy.	Warwick.
Mankin.	Webb.
Mauritz.	Williams
Maynard.	of Travis.
McDonald.	Woodall.
McKean.	Woodruff.
Metcalfe.	Young.

Nays—24.

Albritton.	Kennedy.
Baldwin.	Kincaid.
Bradley.	Martin.
Conway.	McCombs.
Gerron.	Moore.
Graves of Erath.	Mosely.
Hardy.	Mullally.
Harper.	Purl.
Harrison.	Reid.
Jenkins.	Shaver.
Jones.	Stephens.

Storey.

Williams
of Sabine.

Present—Not Voting.

Wiggs.

Absent.

Ackerman.	Hornaday.
Anderson.	Hubbard.
Baker.	Kayton.
Barnett.	Kenyon.
Brice.	Kinnear.
Chastain.	Lemens.
Cox of Navarro.	Long of Wichita.
Cox of Lamar.	McGill.
Davis.	Mehl.
Dunlap.	Montgomery.
Duvall.	Morse.
Gates.	Patterson.
Gilbert.	Pool.
Harding.	Rountree.
Holder.	Smith.
Hopkins.	White.

Absent—Excused.

Acker.	Westbrook.
Avis.	Williams
Minor.	of Hardin.
Wallace.	

MOTION TO TAKE UP HOUSE BILL
NO. 598.

Mr. Bond moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 598 be placed on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by the following vote:

Yeas—91.

Adkins.	Heaton.
Anderson.	Hines.
Bateman.	Hogg.
Beck.	Hornaday.
Bond.	Hubbard.
Bounds.	Johnson
Brooks.	of Dimmit.
Carpenter.	Johnson of Smith.
Coltrin.	Johnson of Scurry.
Conway.	Justiss.
Cox of Lamar.	Keeton.
Cox of Limestone.	King.
DeWolfe.	Kinnear.
Dunlap.	Land.
Enderby.	Lee.
Ewing.	Lemens.
Finn.	Long of Houston.
Finlay.	Loy.
Forbes.	Mankin.
Fuchs.	Mauritz.
Giles.	McDonald.
Harman.	McKean.

Mehl.	Sherrill.
Metcalfe.	Shipman.
Minor.	Simmons.
Montgomery.	Sinks.
Murphy.	Snelgrove.
Negley.	Speck.
Nicholson.	Strong.
Olsen.	Tarwater.
O'Neill.	Thompson.
Palmer.	Thurmond.
Pavlica.	Tillotson.
Petsch.	Turner.
Pool.	Van Zandt.
Pope of Jones.	Veatch.
Pope of Nueces.	Waddell.
Prendergast.	Walters.
Quinn.	Warwick.
Ray.	Webb.
Reader.	Williams
Renfro.	of Sabine.
Richardson.	Williams
Rogers.	of Travis.
Sanders.	Woodall.
Savage.	Woodruff.
Shelton.	Young.

Nays—24.

Albritton.	Kemble.
Baker.	Kennedy.
Baldwin.	Kincaid.
Bradley.	Martin.
Eickenroht.	Maynard.
Gerron.	McCombs.
Graves of Erath.	Moore.
Hardy.	Mullally.
Harper.	Purl.
Hefley.	Reid.
Jenkins.	Stephens.
Jones.	Storey.

Present—Not Voting.

Wiggs.

Absent.

Ackerman.	Kayton.
Barnett.	Keller.
Brice.	Kenyon.
Chastain.	Long of Wichita.
Cox of Navarro.	McGill.
Davis.	Morse.
Duvall.	Mosely.
Gates.	Patterson.
Gilbert.	Rountree.
Harding.	Shaver.
Harrison.	Smith.
Holder.	Stevenson.
Hopkins.	White.

Absent—Excused.

Acker.	Wallace.
Avls.	Westbrook.
Graves	Williams
of Williamson.	of Hardin.

Reason for Vote.

I voted against the passage of House bill No. 598 because I am certain in my own mind that this bill is clearly unconstitutional and will encourage "peonage."

PURL.

SENATE BILL NO. 297 ON SECOND READING.

On motion of Mr. Pool, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading.

S. B. No. 297, A bill to be entitled "An Act amending Articles 4275 and 4276 of the Revised Civil Statutes of 1925, designating the securities in which the funds of life insurance companies may be invested; providing that if a domestic life insurance company re-insures the business and takes over the assets of a foreign life insurance company, the investments of such company so taken over and re-insured, if authorized when made, by the laws of the State of its incorporation, shall be considered as valid securities of the domestic company so taking it over; providing that the provisions of this act shall not invalidate any investments heretofore made by a domestic life insurance company if such investments were legally authorized when made; defining 'Texas securities'; and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to third reading.

SENATE BILL NO. 297 ON THIRD READING.

Mr. Pool moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 297 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—107.

Mr. Speaker.	Conway.
Adkins.	Cox of Navarro.
Albritton.	Cox of Lamar.
Anderson.	Cox of Limestone.
Bateman.	DeWolfe.
Bounds.	Dunlap.
Bradley.	Enderby.
Brice.	Ewing.
Brooks.	Finn.
Carpenter.	Finlay.
Chastain.	Forbes.
Coltrin.	Fuchs.

Gates.	Mullally.
Gilbert.	Murphy.
Graves	Nicholson.
of Williamson.	Olsen.
Graves of Erath.	Palmer.
Hardy.	Pavlica.
Harper.	Petsch.
Harrison.	Pool.
Heaton.	Pope of Jones.
Hefley.	Prendergast.
Hines.	Purl.
Hogg.	Quinn.
Holder.	Ray.
Hopkins.	Reader.
Hornaday.	Reid.
Hubbard.	Renfro.
Jenkins.	Richardson.
Johnson	Savage.
of Dimmit.	Shaver.
Johnson of Smith.	Shelton.
Johnson of Scurry.	Sherrill.
Justiss.	Shipman.
Keller.	Simmons.
Kennedy.	Sinks.
King.	Speck.
Kinnear.	Stevenson.
Land.	Storey.
Lee.	Strong.
Lemens.	Thompson.
Long of Houston.	Thurmond.
Long of Wichita.	Tillotson.
Loy.	Turner.
Mankin.	Veatch.
Martin.	Waddell.
Mauritz.	Wallace.
McCombs.	Walters.
McDonald.	Warwick.
McGill.	Williams
Metcalfe.	of Sabine.
Minor.	Woodall.
Montgomery.	Woodruff.
Moore.	Young.
Mosely.	

Nays—3.

Ackerman.	Gerron.
Bond.	

Absent.

Baker.	McKean.
Baldwin.	Mehl.
Barnett.	Morse.
Beck.	Negley.
Davis.	O'Neill.
Duvall.	Patterson.
Eickenroht.	Pope of Nueces.
Giles.	Rogers.
Harding.	Rountree.
Harman.	Sanders.
Jones.	Smith.
Kayton.	Snelgrove.
Keeton.	Stephens.
Kemble.	Tarwater.
Kenyon.	Van Zandt.
Kincaid.	Webb.
Maynard.	White.

Wiggs.	Williams
	of Travis.
Absent—Excused.	

Acker.	Williams
Avis.	of Hardin.
Westbrook.	

The Speaker then laid Senate bill No. 297 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—104.

Mr. Speaker.	Long of Houston.
Adkins.	Long of Wichita.
Albritton.	Loy.
Anderson.	Mankin.
Baldwin.	Martin.
Bateman.	McCombs.
Bounds.	McDonald.
Bradley.	McGill.
Brooks.	Metcalfe.
Carpenter.	Minor.
Chastain.	Montgomery.
Coltrin.	Moore.
Conway.	Mosely.
Cox of Lamar.	Mullally.
Cox of Limestone.	Murphy.
Davis.	Nicholson.
Dunlap.	Olsen.
Enderby.	Palmer.
Ewing.	Pavlica.
Eickenroht.	Petsch.
Finn.	Pool.
Finlay.	Pope of Jones.
Fuchs.	Pope of Nueces.
Gates.	Prendergast.
Gilbert.	Purl.
Graves	Quinn.
of Williamson.	Ray.
Graves of Erath.	Reader.
Hardy.	Reid.
Harper.	Renfro.
Harrison.	Richardson.
Heaton.	Sanders.
Hefley.	Savage.
Hines.	Shaver.
Hogg.	Shelton.
Holder.	Sherrill.
Hornaday.	Shipman.
Hubbard.	Simmons.
Jenkins.	Sinks.
Johnson	Speck.
of Dimmit.	Stephens.
Johnson of Smith.	Stevenson.
Johnson of Scurry.	Strong.
Justiss.	Thompson.
Keller.	Thurmond.
Kennedy.	Tillotson.
Kincaid.	Turner.
King.	Van Zandt.
Kinnear.	Veatch.
Lee.	Waddell.
Lemens.	Wallace.

Kennedy.	Rountree.
Kenyon.	Sanders.
Maynard.	Snelgrove.
McKean.	Speck.
Moore.	Tarwater.
Morse.	Thurmond.
Nicholson.	Turner.
O'Neill.	Webb.
Patterson.	White.
Pope of Nueces.	Wiggs.
Purl.	Williams
Renfro.	of Travis.
Rogers.	

Absent—Excused.

Acker.	Westbrook.
Avis.	Williams
Wallace.	of Hardin.

HOUSE BILL NO. 194 ON SECOND READING.

Mr. Quinn moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 194, A bill to be entitled "An Act to aid the city of Port Arthur in the construction of a seawall, break-water or revetment work, so as to protect said city from calamitous overflows, by donating to said city all the State ad valorem taxes collected on property in Port Arthur and precinct No. 2, in Jefferson county, from persons in precinct No. 2, in Jefferson county, for a period of ten years."

The motion prevailed by the following vote:

Yeas—76.

Anderson.	Holder.
Baker.	Hornaday.
Baldwin.	Hubbard.
Beck.	Johnson
Bond.	of Dimmit.
Bradley.	Johnson of Smith.
Carpenter.	Johnson of Scurry.
Chastain.	Justiss.
Coltrin.	Keller.
Conway.	Kemble.
Cox of Navarro.	Kennedy.
Cox of Lamar.	Kincaid.
Finn.	Kinnear.
Finlay.	Land.
Fuchs.	Lemens.
Gates.	Long of Houston.
Gilbert.	Long of Wichita.
Graves of Erath.	Martin.
Harman.	McDonald.
Harper.	McGill.
Harrison.	Mehl.
Hefley.	Metcalf.
Hines.	Minor.
Hogg.	Montgomery.

Moore.	Sherrill.
Mullally.	Simmons.
Murphy.	Smith.
Nicholson.	Speck.
Olsen.	Stevenson.
Palmer.	Strong.
Petsch.	Thompson.
Pope of Nueces.	Thurmond.
Quinn.	Tillotson.
Reader.	Turner.
Renfro.	Van Zandt.
Richardson.	Walters.
Sanders.	Warwick.
Savage.	Young.
Shelton.	

Nays—37.

Ackerman.	Loy.
Adkins.	Mankin.
Bateman.	McCombs.
Bounds.	Mosely.
Brice.	O'Neill.
Brooks.	Pavlica.
Cox of Limestone.	Pope of Jones.
Davis.	Prendergast.
DeWolfe.	Ray.
Enderby.	Reid.
Ewing.	Shaver.
Eickenroht.	Shipman.
Forbes.	Stephens.
Graves	Storey.
of Williamson.	Waddell.
Hardy.	Wallace.
Heaton.	Williams
Hopkins.	of Sabine.
Jenkins.	Woodall.
King.	Woodruff.

Absent.

Albritton.	Negley.
Barnett.	Patterson.
Dunlap.	Pool.
Duval.	Purl.
Gerron.	Rogers.
Giles.	Rountree.
Harding.	Sinks.
Jones.	Snelgrove.
Kayton.	Tarwater.
Keeton.	Veatch.
Kenyon.	Webb.
Lee.	White.
Mauritz.	Wiggs.
Maynard.	Williams
McKean.	of Travis.
Morse.	

Absent—Excused.

Acker.	Williams
Avis.	of Hardin.
Westbrook.	

The Speaker laid the bill before the House, and it was read second time.

INVITATION TO ATTEND BASEBALL GAME.

The Speaker laid before the House, and had read the following communication:

The University of Texas,
Athletic Council.

Austin, Texas, March 4, 1929.

Speaker Barron, House of Representatives, Texas Legislature, State Capitol, Austin, Texas.

Dear Speaker Barron: In behalf of our baseball coach, Mr. Billy Disch, I am taking this opportunity to extend an invitation to yourself and the members of the House to be present at the opening baseball game on March 6th between the University of Texas team and the National League Baseball Club.

Please convey this invitation to the membership of your body, and I trust that all of you will be able to be present at this game.

Very sincerely yours,
H. J. ETTLINGER.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. White:

H. B. No. 753, A bill to be entitled "An Act to create the One Hundred and Thirteenth District Court for Hutchinson county; to prescribe its jurisdiction, to limit its existence, to fix its terms, to conform all writs and process from said court, and the other district court in said county to such changes as are made in the jurisdiction of any of said courts by this bill, to empower the judge of said One Hundred and Thirteenth District Court and the judge of the Eighty-fourth Judicial District in Hutchinson county to transfer cases from their respective court to the other of said courts, to provide for the appointment of a judge for said One Hundred and Thirteenth District Court, to fix his salary and term of office; providing that the sheriff of Hutchinson county shall perform duties in connection with said court herein created, as provided by general law in connection with district courts; providing that the district clerk of the Eighty-fourth Judicial District Court shall also be district clerk for the One Hundred and Thirteenth District Court of Hutchinson county, which is herein created; pro-

viding that the One Hundred and Thirteenth District Court shall cease to exist two years from the date of this act goes into effect; providing that the district judge of the Eighty-fourth Judicial District, and the district clerk of the Eighty-fourth Judicial District, shall transfer civil cases from the Eighty-fourth District Court to the One Hundred and Thirteenth District Court and immediately after this act goes into effect; providing that if any provision of this act shall be held unconstitutional such holding shall not affect the remaining provisions, and declaring an emergency."

Referred to Committee on Judicial Districts.

By Mr. Land:

H. B. No. 754, A bill to be entitled "An Act ratifying and validating the creation and consolidation proceedings creating Carey Consolidated Rural High School District No. 10 of Childress county, Texas, by consolidating Purple Hill Common School District No. 14, Prairie Hill Common School District No. 4, Carey Common School District No. 10 and Valley View Common School District No. 28, all in Childress county, Texas."

Referred to Committee on School Districts.

SENATE BILLS ON FIRST READING.

The following Senate bills received from the Senate today were laid before House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 582, to the Committee on Highways and Motor Traffic.

Senate bill No. 605, to the Committee on Judicial Districts.

RECESS.

On motion of Mr. Wallace, the House, at 6:15 o'clock p. m., took recess to 8 o'clock p. m. today.

NIGHT SESSION.

The House met at 8 o'clock p. m., and was called to order by the Speaker.

Mr. Nicholson moved a call of the House for the purpose of maintaining a quorum until 10 o'clock p. m., and the call was duly ordered.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-

at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Nicholson, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

HOUSE BILL NO. 194 ON PASSAGE TO ENGROSSMENT.

(Pending consideration of the bill, Mr. Hardy occupied the chair temporarily.)

The House resumed consideration of pending business, same being House bill No. 194, relating to aiding the city of Port Arthur in the building of a seawall, on its passage to engrossment.

Mr. Quinn offered the following amendment to the bill:

Amend House bill No. 194 by striking out all above and below the enacting clause and insert in lieu thereof the following:

A bill to be entitled "An Act to aid the city of Port Arthur, Texas, situated in commissioners precinct No. 2 of Jefferson county, Texas, in constructing and maintaining seawalls, breakwaters and shore protection in order to protect said city from calamitous overflows by donating to it eight-ninths (8-9) of ad valorem taxes collected on all property, both real and personal, in commissioners precinct No. 2 of Jefferson county, Texas, for a period of twenty years, providing a penalty for misapplication of the moneys thus donated; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That for a period of twenty years, commencing with the fiscal year beginning September 1, 1929, there be and hereby are donated and granted by the State of Texas to the city of Port Arthur, Texas, situated in Commissioners Precinct No. 2 of Jefferson county, Texas, eight-ninths (8-9), the net amounts of the State ad valorem taxes collected on all property, both real and personal, in Commissioners Precinct No. 2 of Jefferson county, Texas, which shall be ascertained and apportioned as now provided by law.

Sec. 2. At the end of each month the collector of taxes for Jefferson county shall, on forms to be furnished by the Comptroller of Public Accounts, make an itemized report under oath to said Comptroller, showing each and every

item of State ad valorem taxes collected by him as provided for in this act upon all property, both real and personal, in Commissioners Precinct No. 2 of Jefferson county, Texas, and accompany same with a summarized statement showing full disposition of all such State taxes collected; said collector shall present such report, together with the tax receipt stubs authorized by law to be kept, to the county clerk of Jefferson county, Texas, who shall within ten days compare said report with stubs and, if the same agree in every particular as regards names, dates and accounts, the clerk shall certify to its correctness, for which examination and certificate he shall be paid by the commissioners court twenty-five cents for each certificate and twenty-five cents for each two hundred taxpayers of said report. The said collector shall then immediately forward his report so certified to the Comptroller and shall pay over to the city treasurer of the city of Port Arthur, Texas, eight-ninths (8-9) of all moneys collected by him during said month under the provisions of this act, except such accounts as are allowed by law for assessing and collecting the same, and shall forward a duplicate of the receipt given to him by the treasurer of the city of Port Arthur, Texas, for such moneys to the Comptroller. The said collector shall remit to the State Treasury one-ninth of all such taxes collected by him from month to month.

Sec. 3. The treasurer of the city of Port Arthur, Texas, shall, at the end of each month, make an itemized report under oath to the Comptroller of Public Accounts, showing the amount of money received by him from the collector of taxes of Jefferson county, and what disbursements, if any, have been made during the said month of such moneys.

Sec. 4. The municipal authorities of the city of Port Arthur, Texas, shall, on the first day of January of each year, cause to be made an itemized statement, under oath and in triplicate, showing the amount of money received by the city of Port Arthur, Texas, under this act, and how, to whom and for what purpose the same has been expended. One copy of such statement, after having been audited, shall be forwarded to and filed by the county clerk of Jefferson county, Texas, as herein-after provided, and the other to the Comptroller of Public Accounts. The said statement shall be sworn to by the treasurer of said city, and the correctness thereof shall be certified by an

auditor appointed by the commissioners court of Jefferson county, Texas, who shall, while auditing said statement, have before him all vouchers upon which expenditures have been made from said fund. And no item of expenditure shall be allowed or passed by said auditor unless he have in his possession legal and proper vouchers therefor, showing compliance with this act. And upon the completion of said audit the said report and all vouchers shall be attached together, numbered consecutively, and be by said auditor returned to and thereafter safely kept by the county clerk of Jefferson county, Texas, as a part of the records of his office.

Sec. 5. The moneys herein and hereby granted and donated to the city of Port Arthur, Texas, are declared to be trust funds for the purpose of aiding said city in paying the interest and sinking fund upon an issue or issues of bonds, the proceeds of which bonds are to be used exclusively in constructing, maintaining seawalls, breakwaters and shore protections in order that said city be protected from calamitous overflows and storm waters. The use and diversion of such moneys for any other purpose whatsoever is hereby prohibited; provided, that whenever the moneys in the hands of the city treasurer, received from the State under the provisions of this or any other law, shall exceed the sum of one year's interest and the sinking fund on the bonds herein referred to have been issued and then outstanding, such excess shall be invested by said city in the purchase of said bonds or bonds of the United States, the State of Texas or the bonds of any county or subdivision thereof, city or town, of the State of Texas, bearing interest at a rate of not less than four per cent per annum; and provided, further, that the entire sinking fund, when received by the city treasurer of said city, shall be invested by the municipal authorities of said county, as received, in the bonds herein referred to, or bonds of the United States, the State of Texas or the bonds of any county or subdivision thereof, city or town of the State of Texas, bearing interest at the rate of not less than four per cent per annum; provided further, that when the sinking fund created under the provisions of this act shall become sufficient to retire all bonds issued hereunder, this act shall cease to be operative and the donation herein made shall cease. A violation of the provisions of this section shall constitute a misapplication of

public money, and the person or persons so offending shall be punished as provided for in Article 86 of the Penal Code of the State of Texas.

Sec. 6. The fact that the greater portion of Commissioners Precinct No. 2 of Jefferson county, Texas, including the city of Port Arthur and its shipping and industrial districts, is located on waterways only a few inches above sea level, and the fact that the waves are daily eroding the shore line of said bay and destroying valuable properties and the fact that a great number of Texas people and a great number of people living at Port Arthur, and a great number of visitors from the State of Texas and other States are living on the bay front and located in such manner as to be wholly unprotected from the gulf storms, and the fact that a great number of said houses and many boats in the shipping district of Port Arthur were damaged by the storms of 1900 and 1915, creates an emergency and an imperative public necessity exists demanding that the constitutional rule requiring bills to be read on three several days in each house, and said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Cox of Lamar moved the previous question on the engrossment of the bill, and the main question was ordered.

Question first recurring on the amendment, it was adopted.

Mr. Quinn, by unanimous consent, offered the following amendment to the bill:

Amend House bill No. 194, committee amendment No. 1, page 3, line 23, by striking out the word "county" and substitute the word "city."

The amendment was adopted.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 194 was then passed to engrossment by the following vote:

Yeas—80.

Anderson.	Dunlap.
Baker.	Duvall.
Baldwin.	Finn.
Barnett.	Forbes.
Beck.	Fuchs.
Bradley.	Gates.
Carpenter.	Gerron.
Coltrin.	Gilbert.
Conway.	Graves of Erath.
Cox of Lamar.	Harman.
Cox of Limestone.	Harper.
Davis.	Harrison.

Hefley.	Nicholson.
Hogg.	Olsen.
Holder.	O'Neill.
Hornaday.	Palmer.
Johnson	Petsch.
of Dimmit.	Pope of Jones.
Johnson of Smith.	Pope of Nueces.
Johnson of Scurry.	Purl.
Justiss.	Quinn.
Kayton.	Reader.
Keller.	Renfro.
Kenyon.	Richardson.
Kinnear.	Savage.
Land.	Sherrill.
Lee.	Simmons.
Lemens.	Smith.
Long of Houston.	Speck.
Long of Wichita.	Stevenson.
Martin.	Strong.
Mauritz.	Tarwater.
Maynard.	Thompson.
McDonald.	Thurmond.
Mehl.	Tillotson.
Metcalf.	Turner.
Montgomery.	Warwick.
Moore.	White.
Mullally.	Wiggs.
Murphy.	Williams
Negley.	of Sabine.

Nays—38.

Adkins.	Minor.
Bateman.	Pavlica.
Bounds.	Pool.
Brice.	Prendergast.
DeWolfe.	Ray.
Enderby.	Reid.
Ewing.	Rogers.
Eickenroht.	Shaver.
Finlay.	Shipman.
Giles.	Snelgrove.
Graves	Stephens.
of Williamson.	Storey.
Heaton.	Van Zandt.
Jenkins.	Veatch.
Kincaid.	Waddell.
King.	Wallace.
Loy.	Woodall.
Mankin.	Woodruff.
McGill.	Young.
McKean.	

Absent.

Ackerman.	Jones.
Albritton.	Keeton.
Bond.	Kemble.
Brooks.	Kennedy.
Chastain.	McCombs.
Cox of Navarro.	Morse.
Hardy.	Mosely.
Harding.	Patterson.
Hines.	Rountree.
Hopkins.	Sanders.
Hubbard.	Shelton.

Webb.	Williams
	of Travis.
Absent—Excused.	

Acker.	Williams
Avis.	of Hardin.
Westbrook.	

Paired.

Mr. Sinks (present), who would vote "nay," with Mr. Walters (absent), who would vote "yea."

MOTION TO TAKE UP HOUSE BILL NO. 194.

Mr. Quinn moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 194 be placed on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by the following vote:

Yeas—81.

Anderson.	Lemens.
Baker.	Long of Houston.
Baldwin.	Long of Wichita.
Barnett.	Martin.
Beck.	Mauritz.
Bradley.	Maynard.
Carpenter.	McDonald.
Coltrin.	Mehl.
Conway.	Metcalf.
Cox of Lamar.	Montgomery.
Cox of Limestone.	Moore.
Davis.	Mullally.
Dunlap.	Murphy.
Duvall.	Negley.
Ewing.	Nicholson.
Finn.	Olsen.
Forbes.	O'Neill.
Fuchs.	Palmer.
Gates.	Petsch.
Gerron.	Pope of Jones.
Gilbert.	Pope of Nueces.
Harman.	Purl.
Harper.	Quinn.
Harrison.	Reader.
Hefley.	Renfro.
Hogg.	Richardson.
Holder.	Savage.
Hornaday.	Sherrill.
Jenkins.	Smith.
Johnson	Snelgrove.
of Dimmit.	Speck.
Johnson of Smith.	Stevenson.
Johnson of Scurry.	Strong.
Justiss.	Tarwater.
Kayton.	Thompson.
Keller.	Thurmond.
Kenyon.	Tillotson.
Kinnear.	Turner.
Land.	Warwick.
Lee.	White.

Williams
of Sabine.Williams
of Travis.

Nays—34.

Adkins.	Minor.
Bateman.	Pavlica.
Bounds.	Pool.
Brice.	Ray.
DeWolfe.	Reid.
Enderby.	Rogers.
Eickenroht.	Shaver.
Finlay.	Shipman.
Giles.	Stephens.
Graves	Storey.
of Williamson.	Van Zandt.
Heaton.	Veatch.
Kincaid.	Waddell.
King.	Wallace.
Loy.	Woodall.
Mankin.	Woodruff.
McGill.	Young.
McKean.	

Absent.

Ackerman.	Kennedy.
Albritton.	McCombs.
Bond.	Morse.
Brooks.	Mosely.
Chastain.	Patterson.
Cox of Navarro.	Prendergast.
Graves of Erath.	Rountree.
Hardy.	Sanders.
Harding.	Shelton.
Hines.	Simmons.
Hopkins.	Sinks.
Hubbard.	Walters.
Jones.	Webb.
Keeton.	Wiggs.
Kemble.	

Absent—Excused.

Acker.	Williams
Avis.	of Hardin.
Westbrook.	

SENATE BILL NO. 498 ON SECOND
READING.

On motion of Mr. Strong, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

S. B. No. 498, A bill to be entitled "An Act approving, ratifying and confirming a contract of date January 1, 1929, by and between the board of managers of the Texas State Railroad and the Texas and New Orleans Railroad, approved by the Governor of Texas, and for the maintenance and operation of the properties of said Texas State Railroad by said Texas and New Orleans Railroad Company; providing that this act shall be cumulative of Chapter 26 of the General Laws of the Regular

Session of the Thirty-seventh Legislature, approved March 12, 1921, and that said contract shall, upon the same becoming effective, supersede the contract between the same parties, which was confirmed and ratified by Chapter 3 of the General Laws of the Second Called Session of the Thirty-seventh Legislature, approved August 25, 1921; and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to third reading.

SENATE BILL NO. 498 ON THIRD
READING.

Mr. Purl moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 498 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—116.

Ackerman.	Hornaday.
Adkins.	Jenkins.
Albritton.	Johnson
Anderson.	of Dimmit.
Baker.	Johnson of Smith.
Baldwin.	Johnson of Scurry.
Barnett.	Justiss.
Bateman.	Kayton.
Beck.	Keller.
Bounds.	Kennedy.
Bradley.	Kincaid.
Brice.	King.
Carpenter.	Kinnear.
Conway.	Land.
Cox of Lamar.	Lee.
Cox of Limestone.	Lemens.
Dunlap.	Long of Houston.
Duvall.	Long of Wichita.
Ewing.	Loy.
Eickenroht.	Mankin.
Finn.	Martin.
Finlay.	Mauritz.
Forbes.	McDonald.
Fuchs.	McKean.
Gates.	Mehl.
Gerron.	Metcalf.
Gilbert.	Minor.
Giles.	Montgomery.
Graves	Moore.
of Williamson.	Mullally.
Graves of Erath.	Murphy.
Hardy.	Negley.
Harper.	Nicholson.
Harrison.	Olsen.
Heaton.	O'Neill.
Hefley.	Palmer.
Hines.	Pavlica.
Hogg.	Petsch.
Holder.	Pool.
Hopkins.	Pope of Jones.

Pope of Nueces.	Tarwater.
Prendergast.	Thompson.
Purl.	Thurmond.
Reader.	Tillotson.
Reid.	Turner.
Renfro.	Van Zandt.
Richardson.	Veatch.
Rogers.	Waddell.
Sanders.	Wallace.
Savage.	Warwick.
Sherrill.	Webb.
Shipman.	White.
Simmons.	Wiggs.
Sinks.	Williams
Smith.	of Sabine.
Snelgrove.	Williams
Speck.	of Travis.
Stephens.	Woodall.
Storey.	Woodruff.
Strong.	Young.

Nays—2.

Enderby. McGill.

Absent.

Bond.	Kenyon.
Brooks.	Maynard.
Chastain.	McCombs.
Coltrin.	Morse.
Cox of Navarro.	Mosely.
Davis.	Patterson.
DeWolfe.	Quinn.
Harding.	Ray.
Harman.	Rountree.
Hubbard.	Shaver.
Jones.	Shelton.
Keeton.	Stevenson.
Kemble.	Walters.

Absent—Excused.

Acker.	Williams
Avis.	of Hardin.
Westbrook.	

The Speaker then laid Senate bill No. 498 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—115.

Ackerman.	Chastain.
Adkins.	Conway.
Albritton.	Cox of Lamar.
Anderson.	Cox of Limestone.
Baker.	Davis.
Baldwin.	Dunlap.
Barnett.	Enderby.
Bateman.	Ewing.
Beck.	Eickenroht.
Bounds.	Finn.
Bradley.	Finlay.
Brice.	Forbes.
Carpenter.	Fuchs.

Gates.	Nicholson.
Gerron.	Olsen.
Gilbert.	O'Neill.
Giles.	Palmer.
Graves of Erath.	Pavlica.
Harman.	Petsch.
Harper.	Pool.
Harrison.	Pope of Jones.
Heaton.	Prendergast.
Hefley.	Purl.
Hines.	Reader.
Hogg.	Reid.
Holder.	Renfro.
Hopkins.	Richardson.
Hornaday.	Rogers.
Jenkins.	Sanders.
Johnson	Savage.
of Dimmit.	Sherrill.
Johnson of Smith.	Shipman.
Johnson of Scurry.	Simmons.
Justiss.	Smith.
Kayton.	Snelgrove.
Keller.	Speck.
Kennedy.	Stephens.
Kincaid.	Storey.
King.	Strong.
Kinnear.	Tarwater.
Land.	Thompson.
Lee.	Thurmond.
Lemens.	Tillotson.
Long of Houston.	Turner.
Loy.	Van Zandt.
Mankin.	Veatch.
Martin.	Waddell.
Mauritz.	Wallace.
Maynard.	Warwick.
McDonald.	Webb.
McKean.	White.
Mehl.	Wiggs.
Metcalf.	Williams
Minor.	of Sabine.
Montgomery.	Williams
Moore.	of Travis.
Mullally.	Woodall.
Murphy.	Woodruff.
Negley.	Young.

Nays—3.

Bond.	McGill.
Long of Wichita.	

Absent.

Brooks.	McCombs.
Coltrin.	Morse.
Cox of Navarro.	Mosely.
DeWolfe.	Patterson.
Duvall.	Pope of Nueces.
Hardy.	Quinn.
Harding.	Ray.
Hubbard.	Rountree.
Jones.	Shaver.
Keeton.	Shelton.
Kemble.	Sinks.
Kenyon.	Walters.

Absent—Excused.

Acker.	Stevenson.
Avis.	Westbrook.
Graves	Williams
of Williamson.	of Hardin.

HOUSE BILL NO. 347 ON SECOND READING.

On motion of Mr. Palmer, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 347, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by independent school districts in the State of Texas, which levies are unconformable because of the governing bodies in such respective independent school districts to make such levies by order; and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to engrossment.

HOUSE BILL NO. 347 ON THIRD READING.

Mr. Palmer moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 347 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—108.

Ackerman.	Graves
Adkins.	of Williamson.
Anderson.	Graves of Erath.
Baker.	Harper.
Barnett.	Harrison.
Bateman.	Heaton.
Bond.	Hefley.
Bounds.	Hines.
Bradley.	Hogg.
Carpenter.	Holder.
Chastain.	Hopkins.
Coltrin.	Hornaday.
Conway.	Jenkins.
Cox of Limestone.	Johnson
Davis.	of Dimmit.
Dunlap.	Johnson of Smith.
Duvall.	Johnson of Scurry.
Enderby.	Justiss.
Ewing.	Kayton.
Eickenroht.	Keller.
Finn.	Kincaid.
Finlay.	King.
Forbes.	Kinnear.
Fuchs.	Land.
Gates.	Lee.
Gerron.	Lemens.
Gilbert.	Long of Houston.
Giles.	Long of Wichita.

Loy.	Sherrill.
Martin.	Shipman.
Mauritz.	Simmons.
Maynard.	Sinks.
McDonald.	Smith.
McGill.	Snelgrove.
Mehl.	Stephens.
Metcalfe.	Storey.
Minor.	Strong.
Moore.	Tarwater.
Mullally.	Thompson.
Murphy.	Thurmond.
Negley.	Tillotson.
Olsen.	Turner.
O'Neill.	Van Zandt.
Palmer.	Veatch.
Pavlica.	Waddell.
Petsch.	Wallace.
Pool.	Warwick.
Pope of Jones.	Webb.
Prendergast.	White.
Purl.	Williams
Reader.	of Sabine.
Renfro.	Williams
Richardson.	of Travis.
Rogers.	Woodall.
Sanders.	Woodruff.
Savage.	Young.
Shaver.	

Nays—5.

Kennedy.
Reid.

Absent.

Baldwin.	McKean.
Beck.	Montgomery.
Brooks.	Morse.
Cox of Navarro.	Mosely.
Cox of Lamar.	Nicholson.
DeWolfe.	Patterson.
Harding.	Pope of Nueces.
Harman.	Quinn.
Hubbard.	Ray.
Jones.	Rountree.
Keeton.	Shelton.
Kemble.	Speck.
Kenyon.	Walters.
Mankin.	Wiggs.
McCombs.	

Absent—Excused.

Acker.	Westbrook.
Avis.	Williams
Stevenson.	of Hardin.

The Speaker then laid House bill No. 347 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—107.

Mr. Speaker.	Anderson.
Adkins.	Baker.

Barnett.	Mehl.
Bateman.	Metcalfe.
Bounds.	Minor.
Bradley.	Moore.
Carpenter.	Mullally.
Chastain.	Murphy.
Conway.	Negley.
Cox of Lamar.	Olsen.
Cox of Limestone.	O'Neill.
Davis.	Palmer.
Dunlap.	Patterson.
Duval.	Pavlica.
Enderby.	Petsch.
Ewing.	Pool.
Eickenroht.	Pope of Jones.
Finn.	Prendergast.
Finlay.	Purl.
Forbes.	Quinn.
Fuchs.	Reader.
Gates.	Renfro.
Gerron.	Richardson.
Gilbert.	Rogers.
Giles.	Sanders.
Graves	Savage.
of Williamson.	Shaver.
Graves of Erath.	Sherrill.
Harper.	Shipman.
Harrison.	Simmons.
Heaton.	Sinks.
Hefley.	Smith.
Hines.	Snelgrove.
Hogg.	Stephens.
Holder.	Storey.
Hopkins.	Strong.
Hornaday.	Tarwater.
Johnson	Thompson.
of Dimmit.	Thurmond.
Johnson of Smith.	Tillotson.
Johnson of Scurry.	Turner.
Justiss.	Van Zandt.
Kayton.	Veatch.
Keller.	Waddell.
Kenyon.	Wallace.
Kincaid.	Warwick.
King.	Webb.
Kinnear.	White.
Land.	Wiggs.
Lee.	Williams
Lemens.	of Sabine.
Long of Houston.	Williams
Long of Wichita.	of Travis.
Martin.	Woodall.
Maynard.	Woodruff.
McGill.	

Nays—5.

Albritton.	Kennedy.
Brice.	Reid.
Hardy.	

Present—Not Voting.

Jenkins.

Absent.

Ackerman.	Bond.
Baldwin.	Brooks.
Beck.	Coltrin.

Cox of Navarro.	McKean.
DeWolfe.	Montgomery.
Harding.	Morse.
Harman.	Mosely.
Hubbard.	Nicholson.
Jones.	Pope of Nueces.
Keeton.	Ray.
Kemble.	Rountree.
Loy.	Shelton.
Mankin.	Speck.
Mauritz.	Walters.
McCombs.	Young.
McDonald.	

Absent—Excused.

Acker.	Westbrook.
Avis.	Williams
Stevenson.	of Hardin.

SENATE BILL NO. 504 ON SECOND READING.

Mr. Thompson moved that the regular order of business be suspended to take up and have placed on its second reading and passage to third reading,

S. B. No. 504, A bill to be entitled "An Act amending Article 3107 of the Revised Civil Statutes of Texas, as amended at the First Called Session of the Fortieth Legislature, Chapter 67 of the Acts of the First Called Session of the said Fortieth Legislature, so as to provide that political parties shall prescribe certain qualifications," etc.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—83.

Albritton.	Jenkins.
Anderson.	Johnson of Smith.
Bateman.	Johnson of Scurry.
Bond.	Justiss.
Bounds.	Kayton.
Bradley.	Keller.
Chastain.	Kenyon.
Coltrin.	Kinnear.
Dunlap.	Land.
Enderby.	Long of Houston.
Ewing.	Long of Wichita.
Finn.	Mankin.
Finlay.	Martin.
Forbes.	Mauritz.
Fuchs.	McGill.
Gates.	McKean.
Gerron.	Mehl.
Graves of Erath.	Metcalfe.
Hardy.	Montgomery.
Harrison.	Moore.
Heaton.	Mullally.
Hefley.	Murphy.
Hines.	Negley.
Hogg.	Nicholson.
Hopkins.	Olsen.
Hornaday.	O'Neill.

Palmer.	Storey.
Patterson.	Strong.
Pavlica.	Thompson.
Petsch.	Thurmond.
Pool.	Tillotson.
Pope of Nueces.	Turner.
Prendergast.	Van Zandt.
Purl.	Veatch.
Quinn.	Warwick.
Reader.	White.
Richardson.	Williams
Sanders.	of Sabine.
Shaver.	Williams
Sherrill.	of Travis.
Shipman.	Woodall.
Sinks.	Woodruff.
Snelgrove.	Young.

Nays—36.

Adkins.	Lee.
Baker.	Lemens.
Barnett.	Loy.
Brice.	Maynard.
Carpenter.	Minor.
Conway.	Pope of Jones.
Cox of Lamar.	Reid.
Cox of Limestone.	Renfro.
Davis.	Rogers.
Duvall.	Savage.
Eickenroht.	Simmons.
Gilbert.	Smith.
Giles.	Stephens.
Harper.	Tarwater.
Holder.	Waddell.
Kennedy.	Wallace.
Kincaid.	Webb.
King.	Wiggs.

Absent.

Ackerman.	Keeton.
Baldwin.	Kemble.
Beck.	McCombs.
Brooks.	McDonald.
Cox of Navarro.	Morse.
DeWolfe.	Mosely.
Harding.	Ray.
Harman.	Rountree.
Hubbard.	Shelton.
Johnson	Speck.
of Dimmit.	Walters.
Jones.	

Absent—Excused.

Acker.	Stevenson.
Avis.	Westbrook.
Graves	Williams
of Williamson.	of Hardin.

The Speaker then laid the bill before the House, and it was read second time.

(Pending consideration of the bill, Mr. Speck occupied the chair temporarily.)

On motion of Mr. Storey, the call of

the House was extended pending consideration of Senate bill No. 504.

Mr. Purl offered the following amendment to the bill:

Amend Senate bill No. 504 by adding to Section 1 the following, "provided, however, that no executive committee shall have the right or power to deny any person the right to vote or to have his or her name placed upon the official ballot as a candidate for public office by reason of having heretofore voted against the party's nominee unless such disqualification shall include all persons who shall have heretofore voted against the party's nominee at any general election held within the past ten years."

Mr. Sinks moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—72.

Ackerman.	McKean.
Albritton.	Mehl.
Anderson.	Montgomery.
Barnett.	Moore.
Bateman.	Mullally.
Beck.	Murphy.
Bond.	Negley.
Bounds.	Nicholson.
Bradley.	Olsen.
Chastain.	Palmer.
Cox of Navarro.	Patterson.
Davis.	Pavlica.
Ewing.	Petsch.
Gates.	Pool.
Gerron.	Pope of Nueces.
Graves	Reader.
of Williamson.	Richardson.
Graves of Erath.	Sanders.
Hardy.	Sherrill.
Harrison.	Sinks.
Heaton.	Stevenson.
Hefley.	Storey.
Hines.	Strong.
Hogg.	Thompson.
Hopkins.	Thurmond.
Hornaday.	Tillotson.
Johnson of Scurry.	Turner.
Justiss.	Van Zandt.
Kayton.	Veatch.
Kenyon.	Warwick.
Kinnear.	White.
Land.	Williams
Long of Houston.	of Sabine.
Long of Wichita.	Williams
Mankin.	of Travis.
Martin.	Woodall.
McDonald.	Woodruff.
McGill.	

Nays—47.

Adkins.

Baker.

Baldwin.	Loy.
Brice.	Maynard.
Carpenter.	Metcalfe.
Coltrin.	Minor.
Conway.	O'Neill.
Cox of Lamar.	Pope of Jones.
Cox of Limestone.	Prendergast.
DeWolfe.	Purl.
Duvall.	Quinn.
Finlay.	Reid.
Forbes.	Renfro.
Giles.	Rogers.
Harper.	Savage.
Holder.	Shipman.
Johnson	Simmons.
of Dimmit.	Smith.
Johnson of Smith.	Speck.
Keeton.	Stephens.
Kennedy.	Tarwater.
Kincaid.	Waddell.
King.	Wallace.
Lee.	Webb.
Lemens.	Young.

Present—Not Voting.

Enderby.

Absent.

Brooks.	Kemble.
Dunlap.	Mauritz.
Eickenroht.	McCombs.
Finn.	Morse.
Fuchs.	Mosely.
Gilbert.	Ray.
Harding.	Rountree.
Harman.	Shelton.
Jenkins.	Snelgrove.
Jones.	Walters.
Keller.	Wiggs.

Absent—Excused.

Acker.	Williams
Avis.	of Hardin.
Westbrook.	

Paired.

Mr. Shaver (present), who would vote "nay," with Mr. Hubbard (absent), who would vote "yea."

Mr. Forbes offered the following amendment to the bill:

Amend Senate bill No. 504 by adding after the word "party" in line 2, page 2, the following, "provided, however, that this law shall not go into effect until after the general election in 1930."

Mr. Anderson moved the previous question on the pending amendment and the bill, and the main question was ordered.

Question first recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—54.

Adkins.	Lemens.
Baker.	Loy.
Bradley.	Mauritz.
Brice.	Maynard.
Carpenter.	Metcalfe.
Coltrin.	Minor.
Conway.	O'Neill.
Cox of Lamar.	Prendergast.
Davis.	Purl.
DeWolfe.	Ray.
Duvall.	Reid.
Enderby.	Renfro.
Eickenroht.	Richardson.
Finlay.	Rogers.
Forbes.	Savage.
Giles.	Shipman.
Graves of Erath.	Smith.
Harper.	Speck.
Holder.	Stephens.
Hornaday.	Stevenson.
Johnson	Tarwater.
of Dimmit.	Veatch.
Johnson of Smith.	Waddell.
Keeton.	Wallace.
Kennedy.	Webb.
Kincaid.	Woodruff.
King.	Young.
Lee.	

Nays—65.

Ackerman.	McGill.
Albritton.	McKean.
Anderson.	Mehl.
Baldwin.	Montgomery.
Barnett.	Moore.
Bateman.	Mullally.
Bond.	Murphy.
Bounds.	Negley.
Chastain.	Nicholson.
Cox of Navarro.	Olsen.
Cox of Limestone.	Palmer.
Fuchs.	Patterson.
Gates.	Pavlica.
Gerron.	Petsch.
Graves	Pool.
of Williamson.	Pope of Nueces.
Hardy.	Reader.
Harrison.	Sanders.
Heaton.	Sherrill.
Hefley.	Sinks.
Hogg.	Storey.
Hopkins.	Strong.
Johnson of Scurry.	Thompson.
Justiss.	Thurmond.
Kayton.	Tillotson.
Keller.	Turner.
Kenyon.	Van Zandt.
Kinnear.	Warwick.
Land.	White.
Long of Houston.	Williams
Long of Wichita.	of Sabine.
Mankin.	Williams
Martin.	of Travis.
McDonald.	Woodall.

Present—Not Voting.	
Quinn.	
	Absent.
Beck.	Kemble.
Brooks.	McCombs.
Dunlap.	Morse.
Ewing.	Mosely.
Finn.	Pope of Jones.
Gilbert.	Rountree.
Harding.	Shaver.
Harman.	Shelton.
Hines.	Simmons.
Hubbard.	Snelgrove.
Jenkins.	Walters.
Jones.	Wiggs.

Absent—Excused.

Acker.	Williams
Avis.	of Hardin.
Westbrook.	

Question recurring on the passage of the bill to third reading, yeas and nays were demanded.

Senate bill No. 504 was then passed to third reading by the following vote:

Yeas—74.

Ackerman.	Mauritz.
Albritton.	McDonald.
Anderson.	McGill.
Baldwin.	McKean.
Barnett.	Mehl.
Bateman.	Metcalf.
Bond.	Montgomery.
Bounds.	Moore.
Chastain.	Mullally.
Cox of Navarro.	Murphy.
Dunlap.	Negley.
Enderby.	Nicholson.
Ewing.	Olsen.
Eickenroht.	Palmer.
Fuchs.	Patterson.
Gates.	Pavlica.
Gerron.	Petsch.
Graves	Pool.
of Williamson.	Pope of Nueces.
Hardy.	Quinn.
Harrison.	Ray.
Heaton.	Reader.
Hefley.	Richardson.
Hogg.	Sanders.
Hopkins.	Sinks.
Johnson of Smith.	Storey.
Johnson of Scurry.	Strong.
Justiss.	Thompson.
Kayton.	Thurmond.
Keller.	Tillotson.
Kenyon.	Turner.
Kinnear.	Van Zandt.
Land.	Veatch.
Long of Houston.	Warwick.
Long of Wichita.	White.
Mankin.	Williams
Martin.	of Sabine.

Williams
of Travis.

Woodruff.

Nays—49.

Adkins.	King.
Baker.	Lee.
Beck.	Lemens.
Bradley.	Loy.
Brice.	Maynard.
Carpenter.	Minor.
Coltrin.	O'Neill.
Conway.	Pope of Jones.
Cox of Lamar.	Prendergast.
Cox of Limestone.	Purl.
Davis.	Reid.
DeWolfe.	Renfro.
Duvall.	Rogers.
Finlay.	Savage.
Forbes.	Sherrill.
Giles.	Shipman.
Graves of Erath.	Speck.
Harper.	Stephens.
Holder.	Stevenson.
Hornaday.	Tarwater.
Johnson	Waddell.
of Dimmit.	Wallace.
Keeton.	Webb.
Kennedy.	Woodall.
Kincaid.	Young.

Absent.

Brooks.	McCombs.
Finn.	Morse.
Gilbert.	Mosely.
Harding.	Rountree.
Harman.	Shelton.
Hines.	Simmons.
Jenkins.	Snelgrove.
Jones.	Walters.
Kemble.	Wiggs.

Absent—Excused.

Acker.	Williams
Avis.	of Hardin.

Paired.

Mr. Smith (present), who would vote "nay," with Mr. Westbrook (absent), who would vote "yea."

Mr. Shaver (present), who would vote "nay," with Mr. Hubbard (absent), who would vote "yea."

Mr. Anderson moved to reconsider the vote by which the bill was passed to third reading, and to table the motion to reconsider.

The motion to table prevailed.

Reasons for Vote.

Speaking as a Democrat who has always supported the nominees of my

party, I say without hesitation that I believe in the principle of this bill—that every political party ought to have the right to manage its own affairs. But following closely as this does on the last general election, when thousands of lifelong Democrats bolted the nominees of the Democratic party for presidential electors, and with bitter feeling existing between the so-called “Hoovercrats” and the regulars, my opinion is that it is wrong to pass such a bill. For that reason, and because I have the best interests of my party and my State at heart, I vote “nay” on the passage of Senate bill No. 504.

DAVIS.

I cannot bring myself to support this bill. A party, to be successful, must cater to voters, not set arbitrary standards, and expect the voters to stay despite such requirements. People benefiting from a party, its candidates, ought to be required to be loyal to the party to accept its benefits, but the rank and file of the party, the people, cannot be driven into one course and required to silently follow. This bill, I think, will disrupt the Democratic party in Texas.

YOUNG.

MOTION TO TAKE UP SENATE BILL NO. 504.

Mr. Hopkins moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 504 be placed on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by the following vote:

Yeas—75.

Ackerman.	Harrison.
Albritton.	Heaton.
Anderson.	Hefley.
Baldwin.	Hines.
Barnett.	Hogg.
Bateman.	Hopkins.
Beck.	Johnson of Smith.
Bond.	Johnson of Scurry.
Bounds.	Justiss.
Chastain.	Kayton.
Dunlap.	Keller.
Enderby.	Kenyon.
Ewing.	Kinnear.
Fuchs.	Land.
Gates.	Long of Houston.
Gerron.	Long of Wichita.
Graves	Mankin.
of Williamson.	Martin.
Hardy.	McDonald.

McGill.	Richardson.
McKean.	Sanders.
Mehl.	Sinks.
Metcalfe.	Storey.
Montgomery.	Strong.
Moore.	Thompson.
Mullally.	Thurmond.
Murphy.	Tillotson.
Negley.	Turner.
Nicholson.	Van Zandt.
Olsen.	Veatch.
Palmer.	Warwick.
Patterson.	White.
Pavlica.	Williams
Petsch.	of Sabine.
Pool.	Williams
Pope of Nueces.	of Travis.
Quinn.	Woodall.
Ray.	Woodruff.
Reader.	Young.

Nays—47.

Adkins.	King.
Baker.	Lee.
Brice.	Lemens.
Carpenter.	Loy.
Coltrin.	Maynard.
Conway.	Minor.
Cox of Lamar.	O'Neill.
Cox of Limestone.	Pope of Jones.
Davis.	Prendergast.
DeWolfe.	Purl.
Duvall.	Reid.
Eickenroht.	Renfro.
Finlay.	Rogers.
Forbes.	Savage.
Giles.	Sherrill.
Graves of Erath.	Shipman.
Harper.	Smith.
Holder.	Speck.
Hornaday.	Stephens.
Johnson	Stevenson.
of Dimmit.	Tarwater.
Keeton.	Waddell.
Kennedy.	Wallace.
Kincaid.	Webb.

Absent.

Bradley.	Mauritz.
Brooks.	McCombs.
Cox of Navarro.	Morse.
Finn.	Mosely.
Gilbert.	Rountree.
Harding.	Shaver.
Harman.	Shelton.
Hubbard.	Simmons.
Jenkins.	Snelgrove.
Jones.	Walters.
Kemble.	Wiggs.

Absent—Excused.

Acker.	Williams
Avis.	of Hardin.
Westbrook.	

RECESS.

Mr. Anderson moved that the House recess to 10 o'clock a. m. tomorrow.

Mr. Barnett moved that the House recess to 9:30 o'clock a. m. tomorrow.

The motion of Mr. Barnett prevailed and the House, accordingly, at 11:20 o'clock p. m., took recess to 9:30 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills, as follows:

Privileges, Suffrage and Elections: Senate bill No. 394.

Highways and Motor Traffic: Senate bills Nos. 454 and 570.

Judiciary: House bills Nos. 688, 744, 745 and 687.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, March 1, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 735, A bill to be entitled "An Act creating and validating Hidalgo County Water Control and Improvement District No. 7, etc.; and declaring an emergency."

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,
Austin, Texas, March 4, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 296, A bill to be entitled "An Act relating to the State Board of Education; providing for the appointment of the members of said board; prescribing their qualification, terms of service, and duties; authorizing them to appoint a State Superintendent of Public Instruction and upon his recommendation and nomination to set up a State Department of Education and appoint its staff; and, in general, authorizing said Board to assume and dis-

charge the duties assigned by law to the State Board of Education and the State Superintendent of Public Instruction; repealing all laws in conflict with this act, and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,
Austin, Texas, March 4, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 273, A bill to be entitled "An Act making it a misdemeanor to use a telephone in the office, place of business or home of another person, firm or corporation for long-distance conversation and have the charges, fees and tolls therefor charged to the person, firm or corporation in whose name the telephone so used is registered, without the consent of the person, firm or corporation in whose name such telephone is registered, and prescribing a penalty therefor, and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,
Austin, Texas, March 4, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. J. R. No. 20, Proposing an amendment to Section 48 of Article 3 of the Constitution of the State of Texas, authorizing the Legislature to provide for compensation of employees of the State for injuries received in performance of their duties as such, etc.

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,
Austin, Texas, March 4, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 469, A bill to be entitled "An Act to further regulate the issuance of securities by counties, incorporated cities or towns, by amending Article 701 of the Revised Civil Statutes of 1925, and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,
Austin, Texas, March 4, 1929.
Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. J. R. No. 16, Proposing an amendment to the Constitution of the State of Texas by adding to Article 6 a new section, to be known as Section 6 of said article, so as to provide that in all elections held in any county, school district, road district, incorporated city or town, or in any election to determine the issuance of bonds, expenditure of money or assumption of debt, only those shall be qualified to vote who own real estate subject to taxation in the county, school district, road district, city or unit in which the election is held any other provision of this Constitution to the contrary notwithstanding, etc.

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS.

Committee Room,
Austin, Texas, March 1, 1929.
Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 646, "An Act to amend Section 23 of Article 2092 of the Revised Civil Statutes of Texas, 1925, relating to the absence, sickness or disqualification of any district judge in any court controlled by said article, and providing for the election of a special judge in such court, and providing the manner of such election; and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room,
Austin, Texas, March 1, 1929.
Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 637, "An Act to validate the authorization, issuance and sale of certain school bonds issued by the Phenix independent school district of

Kaufman county, Texas, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all property in said district, approving and validating all orders of the board of trustees of said district, bonds and taxes; and changing the name of said district to the 'Stubbs independent school district of Kaufman county, Texas'; and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room,
Austin, Texas, March 1, 1929.
Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 552, "An Act validating the appointment of guardians when citation was published as provided in Chapter 179, Acts, Regular Session, 1917, being now Article 28 of the Revised Civil Statutes of Texas, 1925, and where such citation was not published as provided in Article 4115 of the Revised Civil Statutes of Texas, 1925; and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room,
Austin, Texas, March 3, 1929.
Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 478, "An Act to amend Article 5160 of the Revised Civil Statutes of 1925 as amended by the Act of the Fortieth Legislature of 1927, First Called Session, page 114, Chapter 39, Section 1, providing more adequate and better regulations and provisions in connection with bonds where a person or persons, firm or corporation enter into a formal contract with this State, or its counties or school districts, or any other subdivision thereof, or any municipality therein, for the construction of any public building, or the prosecution and completion of any public work; prescribing what bonds shall be executed in connection therewith and the obligations they shall contain relative to making payments to all persons supplying labor and materials in connection with the contract; providing more particularly what debts shall be

secured by said bonds, and providing for filing claims under oath with the county clerk in the county in which said work is being prosecuted, and fixing the time in which said claims must be filed in order to be secured by said bond; and providing further, that after the completion and acceptance of the completed project, all moneys due the contractor under said contract shall be held by the State, or its counties, or school districts, or other subdivision thereof, or any municipality, until such time that satisfactory evidence is submitted and affidavits made that all just bills for labor and material under such contract have been paid in full by the contractor; and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room,

Austin, Texas, March 1, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 474, "An Act requiring every person, association or corporation, whether operating for charity or revenue, who shall own, conduct or manage a day nursery, children's boarding home or child placing agency, or other place for the care or custody of children under fifteen years of age, or who shall solicit funds in this State for such place or institution, to obtain an annual license from the State Board of Health, which license shall be issued without fee, and under such reasonable and uniform rules and regulations as said board shall prescribe. Providing for inspection of such places or institutions. Requiring every such place or institution which shall place out or give to any person the care or custody of any such child, to keep and preserve a record of the full name, the actual or apparent age, and names and residence of the parents of such child so far as known, and the name and residence of the person with whom such child is placed; and if the child is removed from the care or custody of the person with whom it was placed the fact of such removal and disposition of the child to be entered on the record. Requiring such person, association or corporation to report to the State Board of Health quarterly and at such times as said board shall direct, specifying the things required in the aforesaid record. Providing the State Board of

Health may visit any child who has been so placed and not legally adopted to ascertain whether the child is properly cared for and living in moral surroundings. Providing that if the said board has reason to believe that the person having the care or custody of such child is an improper person for such care or custody, and subjects such child to cruel treatment or neglect or immoral surroundings it shall cause a complaint to be filed in the proper juvenile court. Providing that any person, association or corporation who shall attempt to operate without a license as herein provided, or who shall violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail not more than thirty days or by a fine of not less than \$25.00 nor more than \$500.00 and if operating under license, for revocation of same. Repealing all laws and parts of laws in conflict herewith except certain provisions of the Maternity Act of the Thirty-seventh Legislature, approved March 24, 1921. Providing that if any provision of this act shall be held to be invalid that all other provisions of this act shall remain in force and effect; and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room,

Austin, Texas, March 1, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 461, "An Act to prohibit the building, construction, extension, operation or maintenance of any pipe line leading into the waters of the Gulf of Mexico, which pipe line is used or designed to be used for transporting, handling, loading, unloading or discharging oil, gas, or any derivative of oil or gas, or any other product or commodity susceptible of being transported into tanks, ships, vessels, barges, or any water-craft or any agency for loading water-craft, and providing a penalty and imposing upon the Attorney General of Texas the duty of bringing timely suit to prevent and restrain the violation of this law, and fixing the jurisdiction and venue of such action, and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room,
Austin, Texas, March 1, 1929.
Hon. W. S. Barron, Speaker of the
of the House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 456, "An Act to amend
Article 5735 of the Revised Civil Stat-
utes of Texas, of 1925, so as to in-
clude a standard weight for green corn
(roasting ears) per bushel, and declar-
ing an emergency,"

Have carefully compared same and
find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room,
Austin, Texas, March 1, 1929.
Hon. W. S. Barron, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 346, "An Act to amend
Article 5453 of the Revised Civil Stat-
utes of Texas, 1925, relating to liens of
mechanics, contractors, material men
and laborers; and declaring an emer-
gency,"

Have carefully compared same and
find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room,
Austin, Texas, March 1, 1929.
Hon. W. S. Barron, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 58, "An Act to amend
Chapter 3 of Title 67 of the 1925 Re-
vised Civil Statutes of the State of
Texas, by adding thereto Article 4054a,
to provide that sand and other de-
posits taken for the raising of the grade
of the salt flats in the northern part of
Corpus Christi and the lowlands lying
north of the northern boundary line in
the city of Corpus Christi, in Nueces
county, Texas, and south of the bound-
ary line of the town of Portland, in
San Patricio county, Texas, shall be
exempt from the provisions of said Title
67, and declaring an emergency,"

Have carefully compared same and
find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room,
Austin, Texas, March 1, 1929.
Hon. W. S. Barron, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 262, "An Act to amend

Article 1302, Chapter 1, Title 32, of
the Revised Statutes of 1925, by add-
ing thereto Section 91a, so as to pro-
vide for the creation of private cor-
porations for the purpose of owning
lands in the water control and improve-
ment districts, water improvement dis-
tricts, levee improvement districts,
drainage districts, in aid of the de-
velopment and improvement of lands
reclaimed or to be reclaimed within
such districts, so that such lands may
be speedily improved, subdivided, sold
and utilized, and declaring an emer-
gency,"

Have carefully compared same and
find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room,
Austin, Texas, March 3, 1929.
Hon. W. S. Barron, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 17, "An Act relating to the
selection of jurors in certain counties;
providing for the appointment of jury
commissioners to select jurors; provid-
ing the qualifications of said commis-
sioners; providing where and when they
shall meet; prescribing the method of
selection of jurors; providing for the
compensation of said jury commis-
sioners; providing for the jury wheel system
of selecting jurors, and prescribing how
same shall be operated; providing that
this act shall be applicable only in cer-
tain counties classified by population;
enacting other provisions incidental to
the purpose of the act, and declaring
an emergency."

Have carefully compared same and
find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room,
Austin, Texas, March 1, 1929.
Hon. W. S. Barron, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 208, "An Act to amend
Section 9, Chapter 156, of the Acts of
the Regular Session of the Fortieth
Legislature, relating to the salaries,
compensations, expenses, expenditures
of administrative judicial districts, so
as to have same hereafter paid by the
respective counties of such districts in
proportion to the number of weeks pro-
vided by law for holding district court

in said respective counties; and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room,
Austin, Texas, March 1, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 31, In memory of Colonel W. S. Simkins.

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room,
Austin, Texas, March 1, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 30, Requesting Governor to return House bill No. 699,

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room,
Austin, Texas, March 1, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 522, "An Act to amend Sections 1, 2, 3, 4, 5, 9, 12 and 13 of Chapter 88, General Laws of the First Called Session of the Fortieth Legislature of 1927, being an act declaring unlawful the sale or offer for sale, transportation, preparation, receiving or delivery for transportation or marketing of citrus fruit that is immature, unripe, overripe, frost damaged or otherwise unfit for consumption and the sale thereof declared to be a fraud upon the public; defining terms; providing for the inspection of citrus fruits and issuance of certificates of inspection thereof; providing for the purchase and affixing of stamps in connection with the marketing or transportation of such citrus fruits; providing for the appointment of persons to inspect the same and fixing their compensation; defining certain offenses; prescribing the power and duties of the Commissioner of Agriculture with regard to the provisions of this act; authorizing him to make reasonable rules and regulations for the proper administration of this act; providing for the enforcement

thereof, and prescribing penalties for violation of any of the provisions of this act; making an appropriation, and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room,
Austin, Texas, March 1, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 675, "An Act providing for a rural school supervisor in lieu of the teachers' institute as required under Article 2691, and providing for the payment of the salary of said rural school supervisor, in counties having a population of 31,000 to 31,789, according to the Federal census of 1920, and a scholastic population of not less than 9300 as shown by the scholastic census report for the school year of 1928-29, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room,
Austin, Texas, March 1, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 63, "An Act to prohibit justices of the peace, sheriffs, constables and other peace officers from taking for collection any claim for debt except by the process of law prescribing the duties of such officers and prescribing a penalty; providing for contingency in case any section is declared unconstitutional does not affect remainder of said act, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room,
Austin, Texas, February 28, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 710, "An Act to amend Section 34.41.65 (so noted in the Revised Civil Statutes of Texas), Article 199, of Title 8, of the Revised Civil Statutes of Texas, changing the time of holding the terms of the district

court of the Thirty-fourth Judicial District of Texas and permitting the continuing of the terms of court in Huds-peth and Culberson counties by the court."

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

THIRTY-SEVENTH DAY.

(Continued.)

(Tuesday, March 5, 1929.)

The House met at 9:30 o'clock a. m., and was called to order by Mr. Minor, Speaker Pro Tem.

COMMUNICATION FROM HON. W. S. BARRON, SPEAKER.

The Speaker laid before the House and had read the following communication from Hon. W. S. Barron:

Austin, Texas, March 5, 1929.

Mrs. Louise Snow Phinney, Chief Clerk, House of Representatives, Austin, Texas.

Dear Madam: By the authority vested in me under Rule 1, Section 11, of the Rules of the House of Representatives, Hon. Fred H. Minor, of Denton, is hereby appointed Speaker pro tem. during my absence today and shall perform the duties of Speaker of the House from day to day until my return.

W. S. BARRON,

Speaker of the House of Representatives.

RELATING TO HOUSE BILL NO. 598.

Mr. McCombs moved to reconsider the vote by which the House refused to suspend the constitutional rule for the purpose of taking up House bill No. 598.

The motion to reconsider prevailed.

SENATE BILL NO. 251 ON SECOND READING.

On motion of Mr. Johnson of Dimmit, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading,

S. B. No. 251, A bill to be entitled "An Act to authorize the board of directors of the Agricultural and Mechanical College of Texas to establish and maintain a horticultural and agricultural experiment station at some point within the limits of Atascosa, Bexar, Dimmit, Frio, La Salle, Maverick, Medina, Uvalde, Webb or Zavala counties in the State of Texas for the purpose of making

scientific investigation and experiment in the production of fruits, citrus fruits, nuts and vegetables and methods of combating insect pests and diseases of said product in the said section and conducting scientific experiments in poultry raising and dairying; authorizing said board of directors to acquire a suitable site therefor, and to accept donations of land and money for said purpose; providing that such experiment station shall be under the general supervision of said board of directors and providing that unless donations of land within said territory with available water for irrigation purposes thereon suitable and sufficient for experiment station are made for said purposes, said experiment station shall not be established, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Veatch moved that further consideration of the bill be postponed indefinitely.

Mr. Johnson of Dimmit moved to table the motion.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—63.

Albritton.	Kemble.
Anderson.	Lee.
Barnett.	Mankin.
Bateman.	Martin.
Beck.	Maynard.
Bradley.	McCombs.
Brooks.	McDonald.
Carpenter.	McGill.
Coltrin.	McKean.
Conway.	Mehl.
Cox of Navarro.	Metcalfe.
Cox of Lamar.	Negley.
Cox of Limestone.	Olsen.
Dunlap.	Palmer.
Eickenroht.	Pool.
Finlay.	Quinn.
Fuchs.	Ray.
Gates.	Reader.
Gerron.	Renfro.
Gilbert.	Richardson.
Giles.	Rountree.
Graves	Sanders.
of Williamson.	Shelton.
Harding.	Shipman.
Harper.	Speck.
Harrison.	Stevenson.
Hogg.	Tarwater.
Hubbard.	Thurmond.
Johnson	Tillotson.
of Dimmit.	Turner.
Jones.	Van Zandt.
Justiss.	Warwick.
Kayton.	Wiggs.
Keller.	Williams of Travis.